

SENATE—Monday, March 2, 1998

The Senate met at 12 noon and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Dear God, our Father, we begin this new day, week, and this new month profoundly moved by Your amazing grace. You are the same yesterday, today, and forever; You do not change Your attitude toward us; Your love has no limits. We all need something infinitely greater than self-esteem. We need the security and the serenity that come only from You. We report in for the duties of this day, needing a fresh infusion of delight in being alive and being assigned crucial work to do. Holy Spirit, be the wind under our wings. Lift us to new heights of effectiveness. We claim this promise: "But those who wait on the Lord shall renew their strength; They shall mount up with wings like eagles."—Isaiah 40:31. Lord, help us to soar in the jet stream of Your power. In the name of Him who is the way, the truth and the life. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT of Mississippi, is recognized.

SCHEDULE

Mr. LOTT. Mr. President, this morning the Senate will be in a period of morning business until 2 p.m. At 2 p.m., the Senate will resume consideration of S. 1173, the so-called ISTEA legislation, which is the surface transportation authorization bill.

As was mentioned on last Friday, many Members had lobbied for floor consideration of this very important legislation. I know that the chairman of the committee and the distinguished Senator from West Virginia had been urging that we move forward. Now we have the opportunity, but we are having difficulty getting Senators to come to the floor and offer amendments. We need those amendments to be offered today. I believe we have had one amendment that has been offered and accepted, but we need others. We need to make really good progress this week on this important legislation. Beginning on Wednesday or Thursday, we will also, hopefully, be able to take up the funding or financing amendments that may be offered.

We do have some items—only a few—but we have some items left on the Ex-

ecutive Calendar that could be considered. Therefore, a rollcall vote is possible today. I had hoped that it would be on the bill itself. I understand now it may not be. So I am looking for an Executive Calendar nomination or two that might require a vote that we can take up.

I want to make it clear to the Senators, once again, there will be votes on Mondays and there will be votes on Fridays so that we can get the ISTEA bill done and the other important legislation we must get done in March.

Mr. President, I see Senator KYL is here to seek recognition to talk on an issue that is very important to me and the country with regard to how we deal with the situation in Iraq. So I yield the floor at this time.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. HAGEL). There will now be a period for the transaction of morning business.

The Senator from Arizona is recognized.

Mr. KYL. Thank you, Mr. President. I thank the distinguished majority leader for recognizing me this morning to speak on a subject which he addressed the Senate on last week. I think that I may need 15 or 20 minutes. I ask unanimous consent to speak for 15 to 20 minutes this morning.

Mr. BYRD. Mr. President, I have no objection, but I would like to be recognized at the conclusion of his remarks. I will seek recognition at such time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, I might be shorter than that time, in recognition of the desire of the Senator from West Virginia to address the Senate as well.

IRAQ

Mr. KYL. Mr. President, we are well aware that an agreement was struck this week by the Secretary General of the United Nations, Kofi Annan, and the Iraqi Government, led by Saddam Hussein, with respect to the sites that Iraq agreed would be open to unfettered inspection at the conclusion of the gulf war. Let me give a little history first.

Remember that the United States and the allied forces were prepared to carry the battle further, perhaps even to Saddam Hussein himself, but the President of the United States judged that the battle could be called off if the Iraqi Government would agree to a series of commitments to abide by the rule of law in the future. As a result,

we stopped our military campaign against the Iraqi Army, and an agreement was entered into between the Iraqi Government and the allied forces under the jurisdiction of the United States in which the Iraqi Government made some very specific promises. The key promise was not to develop any weapons of mass destruction and to destroy everything that they had.

To implement that commitment, an inspection regime was established, and the Iraqi Government agreed to allow unfettered inspection of its country in order to assure that it was abiding by the agreement not to develop and, indeed, to destroy any weapons of mass destruction that it might already have.

From the day that agreement was signed, it has been violated repeatedly by the Iraqi Government and Iraqi authorities, and it has been literally, Mr. President, a cat-and-mouse game between the U.N. inspectors under UNSCOM and the Iraqi Government. It seems that unfettered inspection has been permitted until the inspectors get warm—like the old child's game, "Am I getting warm yet?"—and as soon as the inspectors would get warm, then there would be delay and deception and denial and, if it were serious enough, outright barring of inspectors from a site or facility until the offending material had been whisked literally out the back door, in some cases, and then when the site was clean, the front door would open, the inspectors would be invited in and they would find, of course, nothing. That game went on for a long time. Finally, the U.N. inspector said, "Enough, this isn't going to work; every time we get warm, he stops us and we have to find a way to enforce the agreement that Saddam had entered into." That is when the United States began to consider a bombing campaign as a means of at least attempting to degrade the weapons of mass destruction that Iraq had developed.

A lot of people felt it probably wouldn't succeed because it is difficult to find those caches of weapons, except for the ones that were disclosed when Saddam Hussein's son-in-law defected to Jordan for a while and indicated where this material was and our inspectors were able to go in and find it as a result of that, Saddam Hussein all of a sudden remembering that he had forgotten to tell us that that existed.

Except for that instance, we have been unsuccessful in being able to identify much of these stocks. So it was problematic as to whether a bombing campaign would actually result in the destruction of this material. As a result, a lot of people were pushing the

administration prior to that bombing campaign to develop a broader strategy that would consist of a wide array of actions that over time could result in addressing the real problem here, which everyone agrees is Saddam Hussein himself. That broader strategy might consist of a series of actions that would destabilize his regime, would put more pressure on him and would eventually perhaps result in a replacement of his government, not by assassination, which is contrary to American policy, but by means of the assistance of the people of Iraq.

Since the agreement by the U.N. Secretary General, the need for a resolution from the Congress supporting military action has been, in effect, put on hold, but I suggest that it is only on hold, that there will come a time, sooner or later, when the United Nations will, again, be faced with the question, and the United States as the primary actor here, as to whether or not it is necessary to take some additional action.

As sure as we are here today, Mr. President, the Iraqis will violate the terms of either the most recently agreed-upon regime for inspection or the remaining principles of inspection which apply to other than the so-called eight Presidential sites in Iraq. That would probably happen if, that is to say, we begin again to get warm, if our inspectors find something that they want to get into further.

At that point, we will begin to again see denial and deception by the Iraqi Government. At that point, it is going to be relevant again whether or not the American people, the world community and the Congress support action by the administration to deal with the then most recent crisis. If the administration has developed a broad strategy, the bombing campaign only being a part of that strategy, and everyone recognizing that it by itself is not going to solve the problem, but as a part of an overall strategy can contribute to a solution, then the President, I think, will have the support he needs to proceed with the execution of that plan.

But the development of that plan is critical, and that is why I think during this interregnum, this period in which at least nominally inspections will be permitted and pressure of immediate military action has receded, it is important for us in the Congress to work with the administration to help it develop the outlines of such a policy. That is not our job, and I don't suggest that the Congress be the one to develop that broad strategy. That is the administration's prerogative; it is the administration's responsibility. It is its responsibility, and because many in Congress feel the administration has abdicated a significant part of that responsibility in the past, I think we have the opportunity and we have the responsibility to share ideas with the adminis-

tration that it could put together in a broader strategy. If it does that, it will have the support of the Congress if and when that time comes. That is why I think it is important for us to talk a little bit about the agreement that was entered into and about some alternative proposals that have been suggested, including one which I will submit for the RECORD. A letter sent to the President by 28 prominent—prominent—American citizens offers their suggestions as to what might be done, most of which have also been offered by Members of the Senate.

Before I close with that, let me indicate that when the majority leader took the floor last week to criticize the agreement that had been entered into between the Secretary General and Saddam Hussein, I supported the remarks that he gave and I have said that ever since, because I think some criticism of this agreement is warranted.

It is a fact that our Government was put in a box when the President and the Secretary of State, in effect, ceded this element of policy to the United Nations. It was a foregone conclusion we would have to then accept the agreement and attempt to abide by it; we had no choice at that point; and as a result, the administration has to go forward with it and has to nominally at least support it. Richard Butler, the chief inspector, has to support it. He is a man of significant qualifications and eloquence. In describing how this is going to work, he says he can make it work, but it is all predicated on the assumption that Saddam Hussein will abide by the agreement. That is what Richard Butler himself says.

There are a lot of criticisms of the agreement, about the precedent that it sets, about the fact that it puts the United Nations literally in the driver's seat and reduces the UNSCOM inspectors, the professionals, and the United States, which has been a primary country backing the agreement, to a secondary position. There has been significant question about whether the inspections themselves will be compromised by the inclusion of a lot of diplomats which are essentially to act as chaperones to the inspectors at these eight Presidential sites.

Part of the problem of the inspections is that Saddam Hussein has always seemed to have been aware of where we wanted to go and has been one step ahead of us. That is because his government has significantly penetrated the operations and has information in advance of the inspections. If the diplomats are involved in this, and some of them are from countries which are clearly supportive of the Iraqi regime, it certainly is open to question as to whether or not the inspections will be compromised in the future.

So a lot of questions that the majority leader raised about this agreement,

I think, remain as significant and ought to instruct us in the future as to how not to go about business. But it is done. And for the time being, we are going to have to at least abide by it.

The key point about the agreement that I think I will make is this: We should have no illusions that it will be abided by. At some point, the Iraqis will, if we get close to finding something, prevent either the full inspection under the new agreement or revert to form under the current policies that apply to all of the sites other than the eight Presidential sites. In either case, we have the responsibility to act.

Now, the administration has the view that this will actually make it easier for us to engage in military action in the future because in the past we did not have support from the world community, but this time if Saddam Hussein violates it, the world community will be with us. Well, unfortunately, the world community appears to have an almost infinite capacity for rationalization not to take an action against Saddam Hussein because we cannot even get a resolution through the Security Council that says the "severest" consequences will result from a violation of the agreement. Instead, we argue about words—of whether it will be very severe consequences. This clearly means that our allies are not going to be backing us in terms of the kind of military action that we will want to take if and when that becomes necessary.

So concluding on this point, Mr. President, I think it is important for us to look at some of the suggestions that are being made and for the administration to begin to develop this broader policy.

I want to put two things in the RECORD at this point. I will ask unanimous consent to do so. One is a letter, an open letter to the President, signed by 28 prominent Americans, calling upon the President to consider a variety of specific actions that should be taken; and the other is a statement by Paul Wolfowitz who is the Dean of the Paul H. Nitze School of Advanced International Studies at Johns Hopkins University for the House Committee on International Relations on February 24. Since that was a House hearing, I thought it would be useful for our Members here in the Senate to have it.

So I ask unanimous consent that those two documents be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OPEN LETTER TO THE PRESIDENT—
COMMITTEE FOR PEACE AND SECURITY IN THE GULF,

February 19, 1998.

DEAR MR. PRESIDENT: Many of us were involved in organizing the Committee for Peace and Security in the Gulf in 1990 to support President Bush's policy of expelling

Saddam Hussein from Kuwait. Seven years later, Saddam Hussein is still in power in Baghdad. And despite his defeat in the Gulf War, continuing sanctions, and the determined effort of UN inspectors to fether out and destroy his weapons of mass destruction, Saddam Hussein has been able to develop biological and chemical munitions. To underscore the threat posed by these deadly devices, the Secretaries of State and Defense have said that these weapons could be used against our own people. And you have said that this issue is about the "challenges of the 21st Century."

Iraq's position is unacceptable. While Iraq is not unique in possessing these weapons, it is the only country which has used them—not just against its enemies, but its own people as well. We must assume that Saddam is prepared to use them again. This poses a danger to our friends, our allies, and to our nation.

It is clear that this danger cannot be eliminated as long as our objective is simply "containment," and the means of achieving it are limited to sanctions and exhortations. As the crisis of recent weeks has demonstrated, these static policies are bound to erode, opening the way to Saddam's eventual return to a position of power and influence in the region. Only a determined program to change the regime in Baghdad will bring the Iraqi crisis to a satisfactory conclusion.

For years, the United States has tried to remove Saddam by encouraging coups and internal conspiracies. These attempts have all failed. Saddam is more wily, brutal and conspiratorial than any likely conspiracy the United States might mobilize against him. Saddam must be overpowered; he will not be brought down by a coup d'etat. But Saddam has an Achilles' heel; lacking popular support, he rules by terror. The same brutality which makes it unlikely that any coups or conspiracies can succeed, makes him hated by his own people and the rank and file of his military. Iraq today is ripe for a broad-based insurrection. We must exploit this opportunity.

Saddam's long record of treaty violations, deception, and violence shows that diplomacy and arms control will not constrain him. In the absence of a broader strategy, even extensive air strikes would be ineffective in dealing with Saddam and eliminating the threat his regime poses. We believe that the problem is not only the specifics of Saddam's actions, but the continued existence of the regime itself.

What is needed now is a comprehensive political and military strategy for bringing down Saddam and his regime. It will not be easy—and the course of action we favor is not without its problems and perils. But we believe the vital national interests of our country require the United States to:

Recognize a provisional government of Iraq based on the principles and leaders of the Iraqi National Congress (INC) that is representative of all peoples of Iraq.

Restore and enhance the safe haven in northern Iraq to allow the provisional government to extend its authority there and establish a zone in southern Iraq from which Saddam's ground forces would also be excluded.

Lift sanctions in liberated areas. Sanctions are instruments of war against Saddam's regime, but they should be quickly lifted on those who have freed themselves from it. Also, the oil resources and products of the liberated areas should help fund the provisional government's insurrection and humanitarian relief for the people of liberated Iraq.

Release frozen Iraqi assets—which amount to \$1.6 billion in the United States and Britain alone—to the control of the provisional government to fund its insurrection. This could be done gradually and so long as the provisional government continues to promote a democratic Iraq.

Facilitate broadcasts from U.S. transmitters immediately and establish a Radio Free Iraq.

Help expand liberated areas of Iraq by assisting the provisional government's offensive against Saddam Hussein's regime logistically and through other means.

Remove any vestiges of Saddam's claim to "legitimacy" by, among other things, bringing a war crimes indictment against the dictator and his lieutenants and challenging Saddam's credentials to fill the Iraqi seat at the United Nations.

Launch a systematic air campaign against the pillars of his power—the Republican Guard divisions which prop him up and the military infrastructure that sustains him.

Position U.S. ground force equipment in the region so that, as a last resort, we have the capacity to protect and assist the anti-Saddam forces in the northern and southern parts of Iraq.

Once you make it unambiguously clear that we are serious about eliminating the threat posed by Saddam, and are not just engaged in tactical bombing attacks unrelated to a larger strategy designed to topple the regime, we believe that such countries as Kuwait, Turkey and Saudi Arabia, whose cooperation would be important for the implementation of this strategy, will give us the political and logistical support to succeed.

In the present climate in Washington, some may misunderstand and misinterpret strong American action against Iraq as having ulterior political motives. We believe, on the contrary, that strong American action against Saddam is overwhelmingly in the national interest, that it must be supported, and that it must succeed. Saddam must not become the beneficiary of an American domestic political controversy.

We are confident that were you to launch an initiative along these lines, the Congress and the country would see it as a timely and justifiable response to Iraq's continued intransigence. We urge you to provide the leadership necessary to save ourselves and the world from the scourge of Saddam and the weapons of mass destruction that he refuses to relinquish.

Sincerely,

Hon. Stephen Solarz, Former Member, Foreign Affairs Committee, U.S. House of Representatives; Hon. Richard Perle, Resident Fellow, American Enterprise Institute; Former Assistant Secretary of Defense; Hon. Elliot Abrams, President, Ethics & Public Policy Center; Former Assistant Secretary of State; Richard V. Allen, Former National Security Advisor; Hon. Richard Armitage, President, Armitage Associates, L.C., Former Assistant Secretary of Defense; Jeffrey T. Bergner, President, Bergner, Bockorny, Clough & Brain; Former Staff Director, Senate Foreign Relations Committee; Hon. John Bolton, Senior Vice President, American Enterprise Institute; Former Assistant Secretary of State; Stephen Bryen, Former Deputy Assistant Secretary of Defense; Hon. Richard Burt, Chairman, IEP Advisors, Inc.; Former U.S. Ambassador to Germany; Former Assistant Secretary of State for European Affairs.

Hon. Frank Carlucci, Former Secretary of Defense; Hon. Judge William Clark, Former National Security Advisor; Paula J. Dobriansky, Vice President, Director of Washington Office, Council on Foreign Relations; Former Member, National Security Council; Doug Feith, Managing Attorney, Feith & Zell P.C.; Former Deputy Assistant Secretary of Defense for Negotiations Policy; Frank Gaffney, Director, Center for Security Policy; Former Deputy Assistant Secretary of Defense for Nuclear Forces; Jeffrey Gedmin, Executive Director, New Atlantic Initiative; Research Fellow, American Enterprise Institute; Hon. Fred C. Ikle, Former Undersecretary of Defense; Robert Kagan, Senior Associate, Carnegie Endowment for International Peace; Zalmay M. Khalilzad, Director, Strategy and Doctrine, RAND Corporation; Sven F. Kraemer, Former Director of Arms Control, National Security Council; William Kristol, Editor, The Weekly Standard; Michael Ledeen, Resident Scholar, American Enterprise Institute, Former Special Advisor to the Secretary of State; Bernard Lewis, Professor Emeritus of Middle Eastern and Ottoman Studies, Princeton University; R. Admiral Frederick L. Lewis, U.S. Navy, Retired; Major Gen. Jarvis Lynch, U.S. Marine Corps, Retired; Hon. Robert C. McFarlane, Former National Security Advisor; Joshua Muravchik, Resident Scholar, American Enterprise Institute; Robert A. Pastor, Former Special Assistant to President Carter for Inter-American Affairs; Martin Peretz, Editor-in-Chief, The New Republic; Roger Robinson, Former Senior Director of International Economic Affairs, National Security Council; Peter Rodman, Director of National Security Programs, Nixon Center for Peace and Freedom; Former Director, Policy Planning Staff, U.S. Department of State; Hon. Peter Rosenblatt, Former Ambassador to the Trust Territories of the Pacific; Hon. Donald Rumsfeld, Former Secretary of Defense; Gary Schmitt, Executive Director, Project for the New American Century; Former Executive Director, President's Foreign Intelligence Advisory Board; Max Singer, President, The Potomac Organization; Former President, The Hudson Institute; Hon. Helmut Sonnenfeldt, Guest Scholar, The Brookings Institution; Former Counsellor, U.S. Department of State; Hon. Caspar Weinberger, Former Secretary of Defense; Leon Wienseltier, Literary Editor, The New Republic; Hon. Paul Wolfowitz, Dean, Johns Hopkins SAIS; Former Undersecretary of Defense; David Wurmser, Director, Middle East Program, AEI; Research Fellow, American Enterprise Institute; Dov S. Zakheim, Former Deputy Undersecretary of Defense.

Organization affiliations given for identification purposes only. Views reflected in the letter are endorsed by the individual, not the institution.

STATEMENT OF PAUL WOLFOWITZ

Mr. Chairman, I appreciate the opportunity to testify before this distinguished committee on such an important subject as policy toward Iraq.

Although I share in the general sense of relief that the mission of the U.N. Secretary

General has made it possible to avoid, for the time being, the necessity of U.S. military action against Iraq. I see no reason to rejoice about the outcome of the latest crisis with Iraq. Nor do I see any reason to be optimistic about the agreement that has been reached. In fact, the events of the last several weeks constitute a significant political victory for Saddam Hussein.

However, the course of military action that the Administration was preparing for would have been an even greater political defeat for the United States, accomplishing little or nothing at the cost of the lives of American pilots and Iraqi civilians and also at great political cost to our friends and allies in the region. What the United States needs to develop urgently is a long-term strategy so that we will not find ourselves in the same box again in a few months, forced to choose between an unsatisfactory diplomatic outcome or costly and ineffective military action. If we must act militarily in Iraq, it should be in support of a serious effort to help Iraqis to liberate their country from Saddam Hussein's tyrannical grasp. That is also the only way to rescue the region and the world from the threat that will continue to be posed by Saddam's unrelenting effort to acquire weapons of mass destruction and to exact vengeance for the defeat he suffered in the Persian Gulf War.

I would like to discuss three points in my testimony this morning:

(1) Even a perfect agreement would have constituted a tremendous victory for Saddam Hussein and left the UNSCOM inspectors under an enormous handicap in their efforts to uncover his weapons of mass destruction and delivery systems.

(2) The agreement, or what we know of the agreement, leaves enormous question marks about whether UNSCOM will any longer be able to carry out its function of searching for Saddam Hussein's weapons of mass destruction in any of the eight so-called Presidential Palaces or for that matter, in any other locations that Saddam Hussein may at some later date decide.

(3) If the agreement has not effectively gutted the inspection effort and if the inspectors are thus able to get lucky and get back on the trail of what they were about to discover when Saddam blocked inspections a few months ago, the United States must have military options that are better than the one that was available this time of bombing targets whose contents we have little knowledge about in the small hope that this might "substantially reduce" his weapons of mass destruction capability. What is needed is not the "major land campaign" that top Administration officials falsely suggest is the only effective way to remove Saddam from power. The real option is to support the many Iraqis who desperately want to overthrow this tyrant, but who have so far found the U.S. stinting and unreliable in the support we have provided them. What is needed is not a "massive U.S. ground invasion" but political, economic and military support so that Iraqis can carry that fight themselves.

THE LOSSES IN A RETURN TO THE STATUS QUO

First, it is important to recognize how much Saddam has gained even if the present agreement actually did commit him to allow the UNSCOM inspectors the "free, full, unfettered access to these sites, anywhere in the country" that President Clinton demanded in his speech to Pentagon personnel on February 17. Most of the reasons to be skeptical about this agreement can be found in the President's own speech.

As President Clinton said, an agreement with Saddam Hussein on this issue means nothing: "Saddam has spent the better part of the past decade trying to cheat on [the] solemn commitment" to submit to inspection of his suspect weapons programs. "Throughout [this] entire process," as the President said, "Iraqi agents have undermined and undercut UNSCOM."

It is also true, as the President said, that the UNSCOM inspectors have done a remarkable job of uncovering Iraq's secret programs despite all of this lying, concealing and obstruction. But there is one major difference now if the inspectors are able to go back to work unhindered in Iraq: this crisis has bought Saddam months of time to move whatever it may have been that U.N. inspectors were about to discover that forced Saddam finally to declare key sites off limits. As good as the inspectors are, it is not reasonable to think that they could get back any time soon to the point they were at when Saddam's obstruction began. It could take many months, or even years, particularly when much of the progress they have made in the last two years has been due, again as the President acknowledged, to the extraordinary revelations brought out by Saddam's son-in-law, Hussein Kamel, when he defected in 1995. It is unlikely that we will ever get such a well-placed defector again.

Thus, even in the best of circumstances, Saddam Hussein has almost certainly bought himself a very long time before we will have to face the need to obstruct the U.N. inspectors again, to continue the game of "cheat and retreat" as Les Aspin called it. Long before then, we can be sure, the pressure will build from Russia, France and others to lift the sanctions on Iraq on the grounds that the inspectors have found nothing. And once again President Clinton had it right in his February 17 speech when he said: "Already these sanctions have denied him \$110 billion. Imagine how much stronger his armed forces would be today, how many more weapons of mass destruction operations he would have hidden around the country if he had been able to spend even a small fraction of that amount for a military rebuilding."

What has Saddam had to pay for this long breathing space and for the four-month defiance of the United Nations that produced it? Absolutely nothing. Even worse, he has been rewarded for it. Rewarded by forcing the United States into a costly military build-up that has strained our relations with key allies in the region. Rewarded by the legitimacy of a meeting with the Secretary General of the United Nations and a formal agreement with him (a dignity, we should be reminded, would never have been accorded to Radovan Karadzic when he claimed to be the leader of Serbian Bosnia). Rewarded by an enormous outpouring of sympathy and support for him in many parts of the Arab world. Rewarded by appearing to have stood up to the United States and not paying any price for doing so.

Perhaps most seriously of all, Saddam has been rewarded by the repeated statements by top U.S. officials—not to mention those of other countries—that our goal is limited merely to getting the U.N. inspections restored. That is to say, or rather as President Clinton said, "Would the Iraqi people be better off if there were a change in leadership? I certainly think they would be. But that is not what the United Nations has authorized us to do; that is not what our immediate interest is about." Or, in the words of the Secretary of Defense: "What we are seeking to do is not to topple Saddam Hussein, not to

destroy his country, but to do what the United Nations has said in its declarations." Of course, these are not warm endorsements of Saddam Hussein's continuation in power. But they certainly go a long way to discourage opponents of his regime from thinking that we are seriously interested in removing Saddam.

POTENTIAL WEAKNESSES IN THIS AGREEMENT

There are also serious problems with the agreement itself. It does much more than simply provide for "diplomats" to accompany UNSCOM inspectors in visiting sensitive sites. In fact, Article 4 of the agreement says that inspection of those sites will be conducted not by UNSCOM but by a new Special Group, appointed by the Secretary General, in which members of UNSCOM will simply be members. Although the language is ambiguous, it suggests that the Executive Director of UNSCOM, Ambassador Richard Butler, who by all reports has done a magnificent job to date, would not be a member of this Special Group. The Special Group would have its own head, called a Commissioner, also appointed by the Secretary General.

If this means that Ambassador Butler has effectively been dismissed for the function of inspecting sensitive sites, and access to those sites is now to be negotiated by a Russian diplomat or someone else who is more sensitive to Saddam's claims of "sovereignty" than to the need to carry out effective inspections, then the damage to the inspection regime is truly fatal. If any confidence is to be placed in this agreement at all, it is vital that the Secretary General move very quickly to appoint Ambassador Butler as the Commissioner of the Special Group, something which the agreement permits but does not require.

Even if the Executive Director of UNSCOM remains in charge of inspecting sensitive sites, there are other reasons for concern. The inclusion of "diplomats" in the teams may compromise security, a serious problem for UNSCOM in the best of circumstances. The promise by the Secretary General to bring the issue of lifting of sanctions to the attention of the Security Council, while seemingly rapid, could generate serious problems. Finally, there are serious concerns about the size and scope of the defined eight "Presidential Sites" that are supposed to be defined in the annex to the agreement, an annex which was still not available more than twenty-four hours after the agreement was announced.

THE NEED FOR BETTER MILITARY OPTIONS

It may be a long time, if ever, before the inspectors can get close to finding whatever it was that caused Saddam to start obstructing them last year. But if they do, we can be certain, he will block them again. President Clinton has said that in that case we must be prepared to take military action. If so, that military action needs to be something more effective than what was planned this time.

Although the Clinton Administration declared repeatedly that the air strikes they were planning would not be "pin-pricks" like the ones they administered in response to Saddam's attempted assassination of President Bush in 1993 or to his attack on our Iraqi opposition allies in 1996, simply making a bigger bang is no guarantee of serious results. There is simply no way that the U.S. Air Force can do from the air what the U.N. inspectors must do from the ground. Over time it seemed that our objectives were steadily scaled back. As it began to dawn that bombing would probably not succeed in

forcing the inspectors back in—indeed, it might well have the opposite effect—one heard less talk of that as a possible objective. But since we also couldn't hope to eliminate Saddam's weapons of mass destruction with air power alone, we finally ended up with the objective of "substantially reducing" that threat. In the absence of inspectors, it would be impossible to know what we had actually destroyed. Perhaps the thinking was that the word substantially has enough flexibility in it to cover a range of outcomes. But as Secretary Cohen demonstrated with his bag of sugar, it would not take much left over to continue to pose a serious threat.

Thus, the U.S. would have been left trying to claim significant military success, with little evidence to back it up, while the evidence of death and destruction in Iraq would be real and readily demonstrated by Saddam. Risking American lives and the lives of innocent civilians is something that should be done only when there are serious goals to be accomplished by doing so. The proposed operation could meet that standard only with the greatest of difficulty. And it would have imposed serious costs on our allies in the Arab world.

Which brings us to the question asked by the elderly veteran in Columbus, Ohio: "If push comes to shove and Saddam will not back down, will not allow or keep his word, are we ready and willing to send the troops . . . and finish this job, or are we going to do it half-assed, the way we did before?"

Secretary Cohen's answer was "What we are seeking to do is not to topple Saddam Hussein . . . but to do what the United Nations has said in its declarations." At the same Town Meeting, Sandy Berger said that "The costs and risks of that course of action, in our judgment, are too high and not essential to achieving our strategic interests as a nation . . . It would require a major land campaign, and risk large losses of our soldiers."

Yet Secretary Cohen on other occasions, has said correctly, that this is not simply about U.N. declarations but about real threats to U.S. National Security. Saddam Hussein has demonstrated that we will cheat and try to build weapons of mass destruction as long as he remains in power. He demonstrated, by attempting to assassinate George Bush early in the term of a new American administration and by burning Kuwait's oil fields as his army left that country, that he is bent on serious vengeance against those who opposed him in the Gulf War. He has demonstrated not only in 1990 but also again in 1994 that he will pose a threat to Kuwait whenever he thinks he has a chance. He has demonstrated countless times that he will conduct genocide and war crimes against his own people including gassing them with chemical weapons, machine-gunning them in mass graves, and threatening them with starvation by diverting rivers. The one effective way to cope with the weapons of mass destruction problem, like all these other problems, is to help remove him from power.

As President Clinton has said, the issue of weapons of mass destruction is an issue that concerns the future of the twenty-first century. As Mr. Berger said in Columbus, it is an issue worth fighting for. Why is it worth fighting for ineffectively with air power and not worth fighting for effectively, if that means using ground forces? Instead of deciding what means it is willing to use, and then tailoring the goals to fit them, the Clinton Administration should decide what it takes

to do the job and ask the country to support it.

However, the estimates that it would take a major invasion with U.S. ground forces seriously overestimates Saddam Hussein. As we did for too long in Bosnia, we are in danger of painting a brutal dictator and his army as mighty giants when, in fact they are military pygmies. There was some excuse for overestimating the capability of the "fourth largest army in the world" before the Gulf War, when all we had to go on was their performance against Iran in the 1980's. There is no reason to be doing so today, when their weaknesses were exposed in 1991, and when the Iraqi army of today is far weaker than the one that we faced then.

The notion that a large U.S. ground invasion would be needed is based on the belief, repeated often by U.S. government officials, that the Iraqi opposition is feckless. But that Iraqi opposition rose up in large numbers to fight against Saddam Hussein in the immediate aftermath of the Gulf War. That Iraqi opposition, with some help from the U.S. Operation Provide Comfort, kept the northern third of Iraq out of Saddam's control for more than five years, and even today, despite the serious division between the two major Kurdish factions, Saddam's writ is weak in Northern Iraq.

Alas, it is U.S. support for the Iraqi opposition, more than that opposition itself, which has been feckless. I am sorry to say that the single best opportunity to support the Iraqi opposition was during the Bush Administration, when Saddam Hussein was to use his armed helicopters to slaughter the rebel forces, while American fighter planes flew over head, with their pilots not allowed to shoot at Saddam's gunships. But, where the Clinton Administration came to office promising to do more, they in fact have done less. We have preferred to support coup attempts in Baghdad, which are almost certain to be penetrated and to fail, than to provide open support to the democratic opposition. Ultimately, when the Iraqi opposition was fighting for its life in the North when Saddam attacked Irbil in 1996, the United States made a few meaningless missile strikes against radars in the South, proclaiming the North to be of no strategic importance and abandoning the people whom we had promised to support.

But Saddam is not ten feet tall. The brutality that makes him so feared by his people also makes him hated. And his army is badly weakened by its defeat in the Gulf War and by the effect of years of sanctions. When President Bush did decide to do something to stop Saddam's repression of his people, by launching Operation Provide Comfort in April of 1991, it took only a small, lightly armed American force and ill-equipped Kurdish guerrillas, backed up by the threat of American air power, to drive the Iraqi army out of the northern third of the country. When the opposition proposed an attack on Iraqi forces in the North in 1995, the United States warned them not to and said we would not support them. As a result, the larger of the two Kurdish factions pulled out but the operation nevertheless succeeded in capturing several large Iraqi army units with minimal fighting.

Just a few days ago, Daniel Williams reported in the Washington Post from Amman, in an article titled "Saddam May Be Weaker Than He Seems," that:

"Diplomats, Jordanian officials and travelers say that the south is dangerous territory for Saddam Hussein's army and police. 'By day, things seem calm enough, but at

night the police and soldiers retreat into their shelters. They are not safe,' said a recent arrival from Iraq. 'There is lots of hit-and-run activity on Saddam's security forces. The nighttime belongs to them,' a Western diplomat added."

What saves Saddam from massive uprisings in this situation, a former Iraqi military official exiled in Jordan told Williams, is that "no one wants to be burned twice." If the United States wants the opposition to Saddam Hussein to be less feckless, then it must be less feckless in its support. This does not mean that we can guarantee their success. But there are certain minimum things that we must do. We cannot pretend to support a serious resistance movement when we have yet to give them a single rifle, much less antitank weapons. We cannot plan to sit by while helicopter gunships slaughter them without interference.

What the U.S. needs to do to support effective resistance to Saddam Hussein is not a large ground invasion, but rather a series of political, economic and military measures that can help the Iraqi people liberate themselves:

Political: We need to challenge Saddam Hussein's claims to be the legitimate ruler of Iraq. This will be much harder to do in the wake of the agreement that he has just signed with the Secretary General. But it is important, nevertheless, to press to indict him as a war criminal and to challenge his claim to represent Iraq in the United Nations.

We should also indicate our willingness to recognize a provisional government of free Iraq, and the best place to start is with the current organization and principles of the Iraqi National Congress, the only organization that has to date set forth a set of principles on which a post-Saddam representative government could be built.

The United States can expect to be isolated at first in pushing these positions, but it is important to do so because they are not merely symbolic steps. They have real practical consequences, both political and economic.

Economic: One of the consequences of creating a mechanism to recognize a provisional government for Iraq is that it would open a way to make the frozen assets of Iraq, reportedly in the neighborhood of \$1.6 billion just in the U.S. and U.K. alone, available to support the resistance.

Another important measure will be to lift economic sanctions from regions in Iraq that are wrested from Saddam's control. It is inexcusable that sanctions have been kept in place all this time on Northern Iraq, even when it was liberated territory. This squeezed the people in the North between a U.N. embargo from the north and Saddam's embargo from the south, thus exacerbating tensions among the Kurds.

Ultimately, the most important economic measure will be to make provision for the oil resources of liberated areas to be made available to support the resistance to Saddam Hussein.

Military: Serious military support is also needed from the United States, but not the large land invasion that is thrown up regularly as a straw man. What is needed most of all is weapons and logistics support. Anti-tank weapons, in particular, could have a powerful equalizing effect, just as anti-air weapons did in Afghanistan. It is difficult to understand how U.S. officials can claim that we have tried supporting the opposition, when we have never tried to arm them.

We should also be prepared to provide air cover for liberated areas within the southern

and northern no-fly zones. This is of critical importance, not only to provide a base from which the resistance to Saddam can operate, but also to provide a secure zone to which units of his own army that wish to change sides can go. Saddam is now so unpopular with his own regular army and even with many parts of his Republican Guards that if a secure and honorable path can be opened for his army to leave, major units are likely to do so or to desert without a fight. This presents a very different scenario than the imagined "major land invasion" with U.S. troops marching on Baghdad against a fiercely resisting Iraqi army.

CONCLUSION

Mr. Chairman, it seems clear that the United States is going to have to live with this agreement. While we can work to clarify certain important details—particularly those that bear on the continued ability of UNSCOM to do its remarkable work. But no new agreement with Saddam Hussein is going to fundamentally alter the threat that Saddam poses to his people, his neighbors and the world, whether from weapons of mass destruction or conventional weapons or from terrorism. Despite the eagerness of some for a quick test of the new agreement, we can't really know whether this new inspection regime is working for a long time (although we might learn sooner that it is not working). Despite the eagerness of some for quick military action if the inspectors are obstructed now, we should not be in a hurry to take military action as pointless as what we were just now planning to do.

What we should be doing now is preparing for the time when we face another crisis with Saddam Hussein or another opportunity to act to help the Iraqi people liberate themselves. That is something that we should start doing now. It seems to be something the Administration will not do unless Congress forces them to. For that purpose, I would urge the Congress to:

Urge the United States government to recognize, and assist in all practicable ways, a provisional government of free Iraq representing all the people of Iraq and committed to reconciliation within Iraq and to living at peace with its neighbors.

Appropriate \$100 for the purpose of assisting the provisional government. The administration should work to recover these funds from blocked Iraqi assets now held by the U.S. treasury.

Press for the United States to seek an indictment of Saddam Hussein for war crimes and crimes against humanity in an appropriate international tribunal.

Saddam is in a position of great weakness today. But the weakness will only become apparent if he is pushed. If we exaggerate his strength and thus encourage the defeatist mentality that seems to affect Administration strategy today, we will help him buy time for a later confrontation when he will be much stronger and the costs in blood and lives will be much higher. As the veteran said in Columbus:

"Are we going to do it half-assed? And then men at that time to (sic) come back and ask my grandson and some of these other grandsons to put their lives on the line, if we're going to do it half-assed, the way we did before."

Mr. KYL. Now, this document that the 28 advisers—let me indicate who some of these people are, people like former Secretary of Defense Frank Carlucci; and Caspar Weinberger; and Judge William Clark, former National

Security Adviser; Doug Feith, former Deputy Assistant Secretary of Defense; Fred C. Ikle, former Undersecretary of Defense; Bill Kristol; Robert Kagan; Bernard Lewis; Don Rumsfeld, former Secretary of Defense; and Paul Wolfowitz, as I said; and Richard Perle. They are all, I think, eminently qualified to offer this kind of advice.

I urge the President to consider the suggestions that are made here, which revolve around preliminarily the principle that military action alone will not force Saddam to comply, that he is the problem, that is, no coup d'etat is likely to succeed in this country and therefore the way to get him out is to create a series of conditions which will enable the Iraqi people themselves to provide the insurrection that will eventually depose him. This might include the following:

Recognizing a provincial government; restoring safe-haven both in the northern and southern portions of Iraq so that the people there can actually declare themselves free of his influence and control; lifting the sanctions in those areas so that the people can benefit from the economic end, of course, that would result; release frozen Iraqi assets to the Iraqis in exile; facilitating broadcasts from U.S. transmitters to the people of Iraq; removing vestiges of Saddam's "legitimacy" by considering, for example, whether the United Nations should indict him as a war criminal; an air campaign could be a part of this, launched against the Republican Guard divisions which prop him up; and tightening down on the embargo.

Right now we know the sanctions are of primary concern to him. And if we tighten down on the embargo so that the black market oil sales cannot continue to provide him with significant oil revenues, it will squeeze him further.

All of these things could eventually create conditions under which the Iraqi people could retake the Government of Iraq from Saddam Hussein.

So, Mr. President, my concluding point is this: The administration now has some time to develop a strategy which had not been developed prior to the time that it was asking for Congress to support a bombing campaign. If that program is developed, with the help of the Congress—and it makes sense as a broad strategy to deal with Saddam Hussein—the President will have all of the authority and the backing that he needs and deserves in taking action against Saddam Hussein. I would say, when, not if, that is called for, as a result of probable Iraqi violation of some part of the international inspection regime.

It is a serious business, Mr. President, for us to decide to move beyond a policy of containment to a policy of rollback. It is one which ought to be debated by this body and by the admin-

istration. But the time for it has come because, as we have seen, neither the American people nor the Congress were willing to support a half-measures kind of action against Saddam Hussein. We felt something more was required to really deal with the problem.

As we learned in Vietnam, and as we have learned elsewhere, halfway measures—calibrated bombing attacks, and the like—do not seem to solve the problem. When you go to war, I think the maxim from the Gulf War, from the Vietnam War, and the new thinking of military strategists in this country is: When you go to war, you'd better mean it; you have to be able to succeed at what you are doing.

That probably requires the imposition of overwhelming force and it requires a broad strategy that will get you where you are going. That is why the administration needs to develop this policy, with the assistance of the Congress, and be able to implement it if and when the time for action comes.

Mr. President, I ask, how much of that remaining time do I have, because I have one more thing I would like to say?

The PRESIDING OFFICER. The Senator has consumed 16 and a half minutes.

Mr. KYL. Fine. Mr. President, I know I can conclude these remarks in the time allotted.

Mr. President, I want to change the subject in this remaining 2 or 3 minutes to discuss the issue of balancing the budget for American families.

BALANCING THE BUDGET FOR AMERICAN FAMILIES

Mr. KYL. Mr. President, Milton Friedman once said he would rather have a \$1 trillion budget that is way out of balance than a \$2 trillion budget that is in balance. I think his point is even more poignant now than when he made it several years ago.

If we manage to balance the unified budget this year—and most recent revenue trends suggest we will—we will do so by taxing and spending at a level of about \$1.75 trillion. That is a level of spending that is 25 percent higher than when President Clinton took office just 5 years ago.

Despite the claim President Clinton made in his State of the Union Address that we have the smallest Government in 35 years, the fact is that the Government has never been bigger—never. And it will continue to grow by leaps and bounds if Congress approves the myriad of new spending proposals that President Clinton is proposing in his latest budget.

It seems to me that although we may have succeeded in balancing the budget, we still have two very different visions of where we should be headed in this country. Is it a balanced budget that is the paramount goal, even if it

comes with substantially higher taxes and more spending? Or is the real goal of a balanced budget to be more responsible with people's hard-earned tax dollars—to limit Government's size and give the people more choices and more control over their lives? Before we try to answer those questions, let us give them a little context.

As I mentioned, the Federal Government has grown 25 percent larger in just the last 5 years. It spends the equivalent of \$6,700 for every man, woman, and child in the country every year. And that is the equivalent of nearly \$27,000 for the average family of four. But all of that spending comes at a tremendous cost to hard-working taxpayers.

The Tax Foundation estimates that the median income family in America saw its combined Federal, State, and local tax bill climb to 38.2 percent of income last year—up from 37.3 percent the year before. That is more than the average family spends on food, clothing, and shelter combined. Put another way, in too many families one parent is working to put food on the table while the other is working almost full time just to pay the bill for the Government bureaucracy.

Perhaps a different measure of how heavy a tax burden the Federal Government is imposing would help shed some light here. Consider that Federal revenues this year will claim about 19.9 percent of the Nation's income, its gross domestic product. Next year, the tax take will climb to 20.9 percent, according to the administration's projections. That would be higher than any year since 1945. It would be only the third year in our Nation's entire history that revenues have exceeded 20 percent of the national income.

As if taxes were not high enough, President Clinton is proposing to raise them again. He is proposing a tax increase of \$98 billion, which would more than offset the modest amount of tax relief that we approved just 7 months ago. It is worth noting that the new taxes the President proposes are not needed to balance the budget. We have more than enough revenue to do that given the economy's performance in the last year. The tax increases are intended to finance dozens of new spending programs—\$125 billion worth of new spending over the next 5 years.

More taxes, more spending, and more Government. That is just the opposite of where I believe we ought to be headed. For me, there is no great achievement in balancing the budget if it means that hard-working families continue to be overtaxed. There is no great achievement in a balanced budget if the Government continues to grow, seemingly without limits, taking choice and freedom away from the people in the process.

Mr. President, this is the point that I think Milton Friedman was making. A

balanced budget is not the only goal, or even the highest goal. A balanced budget is merely the means of right-sizing the Government so that it is more respectful of hard-working taxpayers' earnings and their desire to do right by their own families. That is where our paramount concern should be—with families.

To those who are suggesting we abandon plans for another tax relief bill this year, I say this: Let us not lose sight of our true objective. Families are overtaxed. The Government is still too big. We were sent here to help hard-working families, not to keep them saddled with high taxes or to add to that burden with more spending and more taxes. We will do the right thing by limiting the size of Government so that families have more freedom and more income left in their pockets.

Mr. President, thank you. And I thank the Senator from West Virginia for being patient.

I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. May I assure the distinguished Senator that this Senator is always patient, never in too big a hurry. I thank the Senator.

TRIBUTE TO ABRAHAM RIBICOFF

Mr. BYRD. Mr. President, as I grow older I am obliged to bid farewell to some friend almost every day, and thus does the circle gradually and all too rapidly diminish. That great New England poet James Russell Lowell said it well:

As life runs on,
The road grows strange
With faces new,
And near the end
The milestones into headstones change,
'Neath everyone a friend

Mr. President, it is with sadness that I take the Floor today to pay tribute to the memory of a departed former colleague, Abraham Alexander Ribicoff, with whom I served from January 3, 1963, to January 3, 1981. Senator Ribicoff was a man of many talents. And he was a man who had been honored by the people of his State and country many times and in many ways. After graduating from the University of Chicago Law School in 1933, he was admitted to the bar the same year. He became a hearing examiner, under the Connecticut Fair Employment Practices Act in 1937, and he became a member of the Connecticut legislature in 1938, a judge of the Hartford Police Court in 1941, Chairman of the Assembly of Municipal Court Judges for the State of Connecticut in 1941, and he was elected to the 81st and 82nd Congresses, a service which extended from January 3, 1949 to January 3, 1953. He was Governor of Connecticut during the years 1955–1961, and he was sworn in

as Secretary of the Department of Health, Education, and Welfare in the cabinet of the late President John Kennedy.

Abraham Ribicoff was elected to the U.S. Senate in 1962, reelected in 1968 and again in 1974, and served until January 3, 1981, not being a candidate for reelection in 1980. During this period of Senator Ribicoff's service in the Senate, I served in the Senate leadership as Secretary to the Democratic Conference, Democratic Whip, and Senate Majority Leader, during which time Abe Ribicoff was my close friend and valued advisor.

Abraham Ribicoff was a man of high character, great character, sterling integrity, excellent judgment, with an unusual sense of history and with excellent political instincts, and with uncommon ability.

His advice was widely sought by other Senators, and it was always kindly given. He was a popular Senator, and could easily have won reelection to a fourth Senate term. His career of public service spanned 42 years.

Abe Ribicoff had a very rare sense of timing and political judgement. He was among the first to endorse Senator John F. Kennedy for President. He nominated John F. Kennedy for Vice President in 1956, and was his convention Floor Manager for the, now legendary, successful presidential nomination in 1960.

Abe Ribicoff had the air and dignity of a Senator in a classic sense. He always dressed impeccably, he possessed faultless manners, and he was a gentleman in every sense of the word. Yet, he spoke forcefully, and he was unafraid of advocating politically difficult positions—unafraid. He was among the first to break with the strong-armed tactics of certain Israeli lobby groups, and he willingly paid a political price for his courage. In 1978, he conducted the first major Senate investigation, and produced the first Senate report on the difficult problem of global warming. His report on the subject could well have been written today, some 20 years later, when global warming has now become fashionable as an issue. He was also an expert on international trade.

I have spoken of his service during the time I was Majority Leader. He was then the Chairman of the Senate Governmental Affairs Committee, as well as second ranking Democrat under Senator Russell Long on the Finance Committee. I relied heavily on Abe Ribicoff's advice on a broad range of issues, from the creation of the cabinet level Department of Education to the fashioning of major energy legislation during the energy crisis of the late 1970's.

Abe Ribicoff was a persuasive speaker, and always gave as well as he got in Senate debates, during the days when the Senate really did debate issues.

Yet, his strength was as much in his ability to sense the appropriate compromise, and he knew how to build consensus, and to craft sound solutions to highly contentious issues in Committee and on the Senate Floor.

His passing, at a ripe old age, is another chapter, rounding out a history of remarkable men who have graced this chamber, and who have made their individual marks on the minds and memories and hearts of their colleagues and they have done it on the basis of their character, their instincts, and their talents. Senators would do well to read the story of Abraham Ribicoff's life. He came from humble beginnings and he made a success from his own resources, his own grit, and his own instincts. His life was one which can be used as a model by others on both sides of the aisle. He stood his ground when it really counted, and consequently he claimed the high road in his political life. I have missed Abe Ribicoff's counsel since his retirement, and I wish he had remained longer in this body. I wish he were here today.

Abe Ribicoff waged many political battles in life. The battle with death he finally lost, as we must all finally succumb to the onslaught of that grim and unrelenting enemy: death. But though that grim reaper may lay claim to ending the battle of this life, the claim of victory has always and will always elude death, even though it stalks each of our lives from the cradle to the grave. How sweet the words of thy great Apostle Paul in his first epistle to the Corinthians:

O death, where is thy sting? O grave, where is thy victory?

Mr. President, man was not created an animal, as we are taught in our universities and our high schools. Man was not created an animal, but as a living soul within which there is embedded a spark of the Divinity, a nexus with the Creator. It is that spark that lives on, a soul that an animal does not have, a soul that goes back, when one departs this earthly life, to the presence of his Maker. And we all have that journey to travel. Great Grecian and Roman philosophers, by pure reason and logic, arrived at the conclusion that there is indeed a creating, directing, and controlling Divine power, and an immortality of the soul. Throughout the ages, all races and all peoples have instinctively so believed. It is the basis of all religions, be they heathen, Mohammedan, Hebrew, or Christian. It is believed by savage tribes and by semicivilized and civilized nations, by those who believe in many gods and by those who believe in the one God. Atheists are and always have been few in number. But beyond all credulity is the credulousness of atheists, who believe that chance can make the world, when it cannot build a house!

So, Mr. President, as Longfellow said:

There is no death! What seems so is transition;

This life of mortal breath
Is but a suburb of the life elysian,
whose portal we call death.

Mr. President, we have heard the story of an old king in the Middle Ages who had his barons at a great banquet. They were quaffing their bumpers of ale. It was a bitter night outside. The storm raged. The snow was falling furiously. Suddenly, into the rude chamber in which they were gathered there flew through some crack or crevice in the roof a little bird. Blinded by the light and perplexed, it flew wildly here and there and beat itself against the rude beams. Finally, it found another crevice and out it went into the night again. The old king, advanced in years, spoke to his barons and said:

That bird is like a life; it comes from out of the night, it flits and flies around a little while, blinded by the light, and then it goes back out into the night again.

So, Mr. President, my friend Abraham Ribicoff has gone to what Hamlet said was "the undiscovered country from whose bourne no traveler returns," but I have no doubt that the Creator, who stoops to give to the rose bush whose withered blossoms float upon the autumn breeze the sweet assurance of another springtime, has received into His bosom a man who was my friend, who loved his country, and who loved his fellow man—rich and poor, high and low, who neither looked up to the rich nor down on the poor—Abraham Alexander Ribicoff.

To his dear wife Casey, a graceful, charming, and noble woman, my wife, Erma, and I extend our sympathy and our love.

Let fate do her worst, there are relics of joy,
Bright dreams of the past that she cannot destroy.

That come in the night-time of sorrow and care,

And bring back the features that joy used to wear.

Long, long be my heart with such memories filled,

Like the vase in which roses have once been distilled,

You may break, you may shatter the vase if you will,

But the scent of the roses will hang round it still.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE VOTES

Mr. LOTT. Mr. President, as I suggested this morning and had been predicting for the last couple of weeks, we

are going to start having Monday votes—not before 5, usually, unless there is plenty of notice. But we need to make some progress on the highway transportation bill and also to further clear the Executive Calendar.

UNANIMOUS-CONSENT AGREEMENT—NOMINATION OF RICHARD YOUNG, OF INDIANA, TO BE U.S. DISTRICT JUDGE

Mr. LOTT. Mr. President, as in executive session, I now ask unanimous consent that at 5:20 today, the Senate lay aside the pending business and turn to executive session to consider the nomination of Richard Young, of Indiana, to be U.S. District Judge for Indiana, that the time be equally divided between the chairman and ranking member, and the Senate proceed to an immediate vote on the nomination, without further debate, at 5:30.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I ask unanimous consent that it be in order for me to order the yeas and nays on the nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

SENATE SCHEDULE IN MARCH

Mr. LOTT. Mr. President, for the information of all Senators, a rollcall vote will occur at 5:30 this evening with respect to the nomination of Richard Young of Indiana. I repeat, Senators can now expect votes every Monday and more than likely on every Friday throughout the month of March, so that we can complete the highway infrastructure bill, have debate and votes on the NATO enlargement issue, so that we can take up the budget resolution, the Internal Revenue Service reform, and possibly even a supplemental that could include funds for Bosnia, Iraq, and IMF. We need to do those issues, plus the Coverdell A-plus education issue. There is no way we can do all of those in March without a much more aggressive schedule than we have had so far. So it is my intent to do that, and I believe I have the cooperation of the Democratic leader in that effort.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COATS). Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

LOSING OUR WAY

Mr. GRASSLEY. Mr. President, there is an old saying that reminds us that when you have no idea of where you're going, any road will get you there. Well, that wisdom explains a lot about our current national drug strategy. It's a poor little lamb that has lost its way. The administration has never made drug control a serious element in its policies. Oh, we have had all the right sound bites. But we have not had the sound efforts. Not now, not from the beginning. We are paying the price for this inattention. In this and a subsequent statement, I will explain in more detail why I believe our national drug efforts are in disarray. Why they need more attention, more oversight, and more consistency.

I remind you, Mr. President, that this administration opened its doors for business with a move to gut the Office of National Drug Control Policy. It then began a process of cutting support to law enforcement, interdiction, and international control efforts. That process continued until the Congress reversed the trend in 1995. Even then, the administration did not change its tune on drug policy until the 1996 campaign. To those who might believe that none of this made any difference anyway, let me remind you of some disturbing facts.

Let me begin with a reminder of why we have a drug policy. We have a drug control policy because this country has a big appetite for illegal drugs. We have a major problem with addiction because we have a lot of hardcore users and new initiates. We have the hardcore user problem because we ignored all the warning signs about drug use in the 1960's and 1970's and early 1980's. It was not until we woke up one morning to find many of our kids hooked and our streets war zones for traffickers that we understood our mistake. Although we began late, we did begin to address the problem of drug use, production, and trafficking.

Despite what many believe, the war on drugs in the late 1980's and early 1990's was not a failure. Indeed, there is not a single other major social program into which we put money and effort that can demonstrate the significant progress we made in reducing teen drug use. We were less successful with hardcore addicts. But, as anyone who knows who has dealt with well-established addiction, there is no cure. Even success is measured in multiple treatment episodes.

Treatment can stretch over a lifetime with limited results. A typical addict may go through treatment a dozen

times, and success does not always mean ending addiction—only the moderation of use. Thus, our folly in the 1960's and after in ignoring the dangers of drug use, laid the foundations for an addict population that remains a problem today. But we had made great strides in convincing a new generation of kids to say no to drugs. The results were dramatic and, if sustained, promised to return us, gradually, to a largely drug-free community.

But, as I have noted here before, we did not sustain the successes. We did not sustain the effort. The present administration shifted our priorities and our messages. We were told that we needed more focus on treatment. We were told we needed less talk about enforcement. We were told all these changes would be better. We were assured drug use would stay down. What happened? Well, the results are in. They have been accumulating for years.

They tell a revealing tale: Teen drug use reversed the downward trend. It is now on the rise and getting worse. The age of onset of use dropped to younger kids. Negative attitudes about the dangers of drug use went south. The legalization movement found a bag man to fund its efforts and is active on many fronts all over the country. We now see Hollywood and our music moguls back to pushing drug themes in movies and music. We see our major companies and advertisers dropping support to drug-free advertising. We see our major networks give less attention to this advertising. And now we know what happens. The consequence has been a growing drug crisis among our kids. This is no accident. We saw decisions made on wrong assumptions that have got us to this state. It's embarrassing and it's frustrating. And the administration still is lagging behind. It is just not serious. Having said this, let me give you just a few examples to illustrate the point.

I started by noting the cuts at the drug czar's office from the early days of the administration. That was not an isolated event. We saw the problem beginning with the White House's whole cavalier attitude toward drug use and drug testing among employees there. We saw it continued by the I-didn't-inhale atmosphere. As a result, we lost the "Just Say No" message from the start. But there was more than this. The administration also began to reduce support to interdiction and law enforcement. This has been well documented and I won't repeat that now. Suffice it to say that the administration substituted reducing supply reduction for reducing supply. The legacy of neglect and indifference continues.

Let me illustrate my point with a number of concrete examples. What these various cases I am going to talk about illustrate, when added together, is the lack of seriousness by the admin-

istration on drug policy. They are illustrative of the fragmented, incoherent thinking that has contributed to our growing crisis of teenage use.

In these remarks, I will focus on domestic issues. Later, I will discuss international problems. In either case, we have a peck of trouble.

Let me begin with some of those troubles. In the past 5 years of this administration, drug use among kids has doubled over the levels before it took office. Those increases came on top of almost a decade of declines. Although the use numbers are from every major survey of drug use, many of the government's own numbers, the administration continues to argue that drug use is down. The President did this most recently in releasing the National Strategy and his State of the Union Address. He takes credit for this. How does the administration explain the difference between the claims and the facts? Simple. It charts drug use trends from the 1980's, when the numbers were getting better, in order to disguise present trends, when the numbers are getting worse. It also plays fast and loose with the figures.

They make the numbers work for them by doing what is called "data slicing." What that means is that you focus on only one part of the data while ignoring the whole. Thus, in discussing the most recent teenage drug use survey, the administration makes much of the fact that use among eighth graders went down. What the administration did not say, however, is that use was up in every other category. And, it failed to note that the indicators of use being down among eighth graders was not statistically significant.

This is what the Wall Street Journal had to say:

Clearly, the recent data from the Monitoring the Future Study are far more discouraging than the president has implied. If the president and his administration insist on talking credit for negligible improvements in relatively small cohorts, then they must accept responsibility for the overall dismal record that they have compiled over five years.

The figures are there for anyone to look at. The Washington-based research organization, the Statistical Assessment Service, did just that in their annual survey of the abuse of research and statistics. As this research organization noted, someone has been playing with the numbers. I offer a Washington Post story noting their findings and ask unanimous consent it be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, is so ordered.

[See exhibit 1.]

Mr. GRASSLEY. Mr. President, this playing with the numbers is of a piece with another fact. The administration has consistently avoided providing Congress and the public with accountable standards of performance on drug

control as required by law. Although the law creating the national drug strategy requires annual quantifiable performance measures, this administration has not complied with the law from its first day. Although the present drug czar has repeatedly promised such standards, we have yet to see them. And what they propose to send us is not a report on performance but a methodology for reporting on performance.

If that system is ever put into place, we won't seek any accountability based on them until after this administration leaves office. Does this oversight strike you as paying serious attention to drug policy? Not to mention the law?

But this is not all. What the administration has also proposed is a formula for downgrading the whole effort to have a national strategy. The administration's proposal for reauthorizing the drug czar's office drops the idea of a national strategy for an annual report. It proposes a 10-year strategy document instead. The effect of this sleight-of-hand is to reduce the drug strategy to a proforma exercise, which, by the way, is another means to dodge accountability. This administration will leave office without ever having provided a serious accounting for its drug policy. If present trends continue, it will leave office having presided over a renewed drug epidemic.

It is in keeping with a number of other things the administration has done to signal its real feelings about the war on drugs.

In keeping with this pattern, this administration has one of the worst records I know of in responding to congressional requests. I am not talking about responding to all the requests for information in response to major investigations. I am talking about responses to the normal business of Government. I am still waiting for the Immigration and Naturalization Service and the Justice Department to respond to questions from a hearing last May. Lest you think the questions were a burden, I only asked three. I am still waiting.

We only recently received responses from the administration to a hearing from last October, and not even all those are in. I also have requests of or correspondence to the Department of Defense, Health and Human Services, Justice, and others that are months old. It routinely takes this administration, 3, 4, 5, even 6 months to answer a letter, respond to a request, or provide answers to complete the record of hearings. And the answers are often pretty slim and uncommunicative. This is an administration that needs to do a lot of explaining.

The administration is now proposing to undermine the laws on cocaine sentencing. Let me note at the outset, that contrary to the impression in some quarters, the United States does not, I repeat, does not fill its jails with

nonviolent drug offenders. It does not fill its jails with simple users. The majority of felons in our jails for drug crimes are there for trafficking and violent crimes. In the face of the drug epidemic, Congress passed and the public supported tougher sentencing for dealers and traffickers who pushed crack to our kids.

Now, however, the administration is planning to walk backwards on crack. The administration plans to deal with a disparity in crack and powder cocaine sentencing by reducing sentencing for crack. Instead of lowering the boom they're lowering the standards. This is hardly a message to be sending at a time when use of drugs is on the rise. But it is in character with what we have seen.

From our borders to our streets, we see a similar image. We see disarray and a lack of seriousness. Let me share with you one last example to illustrate why I am a little frustrated. Recently, \$3.5 million was set aside on ONDCP's budget to assist parent groups in prevention work with youth. Keep that number, \$3.5 million in mind. Remember, it was intended to support parent groups. Also keep in mind that these groups have a long track record of working with parents on drug prevention. Now, here goes. Of that \$3.5 million, ONDCP pocketed \$500,000 that did not go to the parent groups. That leaves \$3 million. So far so good. That money was transferred to the Center for Substance Abuse Prevention (CSAP) at HHS. Of that, it appears that CSAP kept \$600,000, presumably for administrative costs. That leaves \$2.4 million for parent groups. Of that, CSAP awarded a private contractor, with no experience in parent movements and drug prevention, some \$900,000. The purpose was to develop a program for parent groups. Never mind that the parent groups were the experts. Never mind that the contractor then had to spend its money talking to these same parent groups on how to help parent groups. Never mind that the parent groups have disavowed the resulting study and the proposed prevention effort as unworkable. That left roughly \$1.5 million for the parent groups. That is to be spread over 2 years. It is to be shared by several different groups. The result? Each group will receive less than \$70,000 a year, hardly enough to cover their costs. Is it any wonder that so many prevention groups have a hearty dislike for CSAP. This is hardly a reassuring story. It is, unfortunately, not atypical. It is a small example that explains a lot.

These are only some of the examples of problems in our drug control program. I will have more to say about failures and shortcomings in our international efforts later. The story there is just as grim.

EXHIBIT 1

DUBIOUS DATA MADE HEADLINES IN 1997

Each year at this time, the Statistical Assessment Service, a Washington research organization that abbreviates itself STATS, releases its annual list of the most absurd, amusing and alarming science and statistical news stories of 1997.

Herewith, a few of the group's choices. The full list may be found on the World Wide Web at www.stats.org.

Study Links Cancer Deaths to Site—Associated Press, Sept. 11.

The AP reported on a new study that linked low levels of radioactivity to cancer deaths among nuclear workers. The researchers found that 29 percent of all deaths among former employees of the Rocketdyne Santa Susana Field Laboratory were attributable to cancer.

Sounds pretty scary, but compared to what? For the general population, 35 percent of all deaths of those between 44 and 65 years of age are attributable to cancer, as are 25 percent for all deaths of those over 44, according to the National Center for Health Statistics. So the workers died from cancer at about the same rate as anyone else.

YOUR CHILD'S BRAIN ON DRUGS

Teen Drug Use Dips Down—Associated Press, Aug. 7.

Drug Use Rising Among Young Adults—Associated Press, a few hours later the same day.

These dueling headlines were based on the same National Household Study on Drug Abuse survey, which found that illicit drug use among the young was up, alarmingly in some cases. The AP's first headline and the story accompanying it illustrate the perils of data slicing—focusing on only one segment of the study population—and a failure to appreciate a concept called statistical significance. According to the study, young people between ages 12 and 15 did report a slight decline in the use of marijuana.

But another age bracket, dubbed "young adults" 18 to 25, showed a significant increase in marijuana use. More importantly, the drop among younger people was not statistically significant, which means there's a fair chance that the apparent decrease was due to sampling error.

YOUNGER THAN SPRINGTIME

Premature Puberty: Is Early Sexual Development the Price of Pollution?—E-The Environmental Magazine, Nov./Dec. issue.

In April, a study published in the medical journal *Pediatrics* reported that the mean age of onset of menstruation occurred at 12.2 years for African American girls and 12.9 years for white girls.

As *The Washington Post* correctly reported, this meant that American girls were "developing pubertal characteristics at younger ages than currently used norms," which were based on a study of British girls in the 1950s.

But many journalists interpreted the findings as an alarming new trend toward lower ages for puberty.

This produced scary headlines such as "Girls Facing the Perils of Puberty Earlier" (*Hartford Courant*), "Puberty Find Could Point to Danger" (*Pittsburgh Post-Gazette*) and "Girls Hitting Puberty at an Earlier Age: Some Worry Environmental Estrogens Could be Behind a New Study's Findings" (*Des Moines Register*).

These fears of pollution-induced puberty ignored the fact that, as *The Post* reported, "the age at which girls first menstruate hasn't changed much since 1950."

Mr. GRASSLEY. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATO EXPANSION

Mr. STEVENS. Mr. President, my attention was called to an article, an op-ed article, in the New York Times for Wednesday, February 4, of this year entitled: "NATO: A Debate Recast." It was authored by Howard Baker, Sam Nunn, Brent Scowcroft and Alton Frye.

I read the article with great interest and asked the question of whether this had been inserted in the RECORD at the time it was written. I am informed that that was not the case, that it has not been put in the RECORD, not been called to the attention of the Members of the Senate.

I call the attention of the Members in the Senate to this article because I think it makes some very good points about NATO expansion. I particularly want to quote this one provision. These writers said:

The Senate would be wise to link NATO and European Union expansion. If that link is made, it is essential to stipulate that admission to the European Union is not sufficient qualification for entry into NATO. NATO should weigh any future applicant against the contributions and burdens its membership would entail. What is called for is a definite, if not permanent, pause in this process.

Mr. President, we soon will be, I assume, taking up the debate on NATO expansion. I do ask that Members pay attention to the words of our two former colleagues, Senator Baker and Senator Nunn; and also Brent Scowcroft, who was the National Security Advisor to Presidents Ford and Bush; and Alton Frye, who is senior fellow of the Council on Foreign Relations.

Mr. President, I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb. 4, 1998]

NATO: A DEBATE RECAST

(By Howard Baker, Jr., Sam Nunn, Brent Scowcroft and Alton Frye)

The looming Senate debate over NATO enlargement marks a historic encounter between good intentions and sound strategy. Despite momentum toward admitting three more members—Poland, Hungary and the Czech Republic—the fundamental interests at stake demand probing examination of the specific candidacies, the approach that has brought the alliance to this fateful juncture and the troubling implications of that approach. Along with many who have worked

to build a strong NATO, we harbor grave reservations about the pending expansion and the direction it points.

Far from being a cold war relic, NATO should be the cornerstone of an evolving security order in Europe. It provides the infrastructure and experience indispensable to coping with instabilities—Bosnia today, and other troublespots tomorrow. NATO is vital to insuring arms control and maintaining the kind of industrial base that provides a solid defense. Perhaps most important, NATO provides the institutional home for coalitions to meet crises beyond Europe.

But a cornerstone is not a sponge. The function of a cornerstone is to protect its own integrity to support a wider security structure, not to dissipate its cohesion by absorbing members and responsibilities beyond prudent limits. A powerful NATO undergirds other institutions, including the Organization for Security and Cooperation in Europe and the Western European Union. It makes possible the Partnership for Peace to promote cooperation among countries that are not NATO members.

The rush to expand the alliance has put the cart before the horse. Advocates and skeptics of NATO enlargement agree that the transformation of Europe's security structure should be related to the transformation of its economy. As James Baker, the former Secretary of State, has testified, European Union membership "is just as important as membership in NATO for the countries involved," and "we must make clear that NATO membership for the countries of Central Europe is not a substitute for closer economic ties to the E.U."

In our view, it would have been preferable not to invite more countries to join NATO. At the very least, it would be desirable for the European Union to proceed with its planned expansion before NATO completes the acceptance of the new members.

The European Union has now decided to begin negotiations with six aspirants, including the three candidates NATO is considering. Linking NATO expansion to the expansion of the European Union would accomplish several things:

It would underscore the connection between Europe's security and its economy—and offer certification that entrants to NATO could afford to meet its defense obligations.

It would permit the Partnership for Peace to demonstrate that it should be the proper association for countries outside NATO. So long as the option to join NATO remains open, it utterly undercuts the partnership as the preferred mode of cooperation.

It would allow the United States and Russia to focus on the gravest security problem still before us, the formidable hangover of nuclear and other weapons of mass destruction. The cooperative framework provided by the NATO-Russia Founding Act may be useful, but frictions over NATO distract Moscow and Washington from profound common dangers. Even if everything goes right in expanding NATO, we will have misplaced our priorities during a critical window of opportunity to gain Russian cooperation in controlling nuclear arsenals and preventing proliferation. Russian antagonism is sure to grow if the alliance extends ever closer to Russian territory.

The Senate would be wise to link NATO and European Union expansion. If that link is made, it is essential to stipulate that admission to the European Union is not sufficient qualification for entry into NATO. NATO should weigh any future applicant

against the contributions and burdens its membership would entail. What is called for is a definite, if not permanent, pause in this process.

By leading the charge for NATO expansion, the Clinton Administration may well elicit hasty proposals and considerable pressure to admit other countries. Other Central and East European countries are hoping that they, too, will soon be welcomed into allied ranks.

But a military alliance is not a club, and the Administration's rhetoric and policy risk converting NATO into an organization in which obligations are diluted and action is enfeebled. Pursuing that path may simultaneously spur Russian animosity and weaken the alliance's capability to contain it, if required. William Perry, the former Defense Secretary, and Warren Christopher, the former Secretary of State, acknowledge the problematic situation in which the country finds itself. In their words, "there is no consensus on the wisdom of the path taken so far by the alliance and spearheaded by the Clinton Administration."

While Mr. Perry and Mr. Christopher state that NATO should remain open "in principle," they contend that no additional members should be designated until the three current candidates "are fully prepared to bear the responsibilities of membership and have been integrated into the alliance." That reads to us like advice to slow this train down. We are in accord with that view, and with their argument that NATO should make the experience of Partnership for Peace membership for non-NATO members "as similar as possible to the experience of NATO membership."

We are dubious, however, that consensus can be found on the Administration's premise that NATO should be receptive to many additional members. That is a prescription for destroying the alliance. It guarantees future discord with present allies, few of whom are prepared to follow the Clinton policy to its logical end, the inclusion of Russia.

The task is to build a security structure in which Russia assumes a place commensurate with its geostrategic importance and its progress toward democracy and a market economy. With due respect, those campaigning to expand NATO confuse the longer term challenge of shaping a comprehensive security system with our continuing responsibility to sustain a robust NATO as our principal security bulwark.

The question confronting the Senate is not only whether to enlarge NATO, but how, when and on what terms. The imperative now is for the Senate to bring to bear the independent assessment mandated by the Constitution. In that assessment it has several options, including linking alliance expansion with enlargement of the European Union and laying down a marker against an excessively elastic NATO.

The Senate has constructive leverage to shape a wiser outcome than simple acquiescence in the President's plan. The widespread grumble that "NATO expansion is a bad idea whose time has come" is no basis for policy. This is not a dose of medicine one can swallow and be done with. It is a fundamental extension of American security guarantees, an ill-defined invitation for new members unrelated either to military threats or military capabilities.

A final caution to the Administration: It is no service to candor or consensus to invoke the shadow of Versailles, implying that resistance to NATO enlargement would be

comparable to Senate rejection of the League of Nations. One doubts that senators will respond well to overdrawn analogies. As John Maynard Keynes noted at the time, the central failure of Versailles lay in the fatal miscalculation of how to deal with a demoralized former adversary. That, above all, is the error we must not repeat.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. Mr. President, I believe we are in morning business, is that correct?

The PRESIDING OFFICER. The Senator is correct.

READ ACROSS AMERICA DAY

Mr. JEFFORDS. Mr. President, I rise today to speak about the key to our children's future, and to commemorate an individual who dedicated his life's work to this great cause. Through a resolution sponsored by my good friend Senator CHUCK ROBB, and co-sponsored by myself and 91 other Senate co-sponsors, today has been proclaimed Read Across America Day. The day to celebrate the 94th birthday of Dr. Seuss and a day when all across the country adults will be reading out loud to children.

In fact, Senator ROBB is unable to join me right now because he spent the morning reading to kids at a local elementary school, but I know that you will be hearing from him later. First, I would like to say a few words about the crisis we face as a nation if we don't all work toward improving literacy in this Nation.

Reading is the key to our children's future. There is an easy way to think about this: from first to third grades you learn to read—from third grade on you read to learn. Now, we have heard some frightening statistics as of late, about our children's performance in various subjects compared to other nations. I want to remind my colleagues and everyone in every community around the country—we have a 51 percent functional illiteracy rate in kids who are graduating from high school. That means, these kids can't read a newspaper, balance a checkbook or read a bus schedule to get themselves to a job, let alone hold down a good job. This, in America, is a tragedy. And we must stop it. We must all be a part of the solution.

Reading aloud to children, beginning at the youngest age, is a big part of the solution. A national commission on reading found that reading out loud to a child for at least 30 minutes a day is the single most important factor to the

child learning to read and loving to read. And so, on what would have been his 94th birthday, I say thank you to Dr. Seuss, whose given name was Mr. Theodor Geisel, for all the fantastic, creative and wonderful books he gave to countless numbers of parents and children to enjoy in this most significant activity for a child's success.

Many pro-literacy groups have sponsored activities so that every child in the country is read aloud to by an adult for at least a half hour today. I endorse this activity whole-heartedly—and I try to lead by example by reading to my reading partner in the Everybody Wins! program that I launched here in Washington three years ago.

The Everybody Wins! program pairs adult reading mentors with young children in elementary schools to foster a love of reading and of learning and to provide that critical reading aloud activity. I am so proud of all the Congressional Members and staff participating in the program—now totaling more than 450 reading every day of the week during lunch hour at two schools here on Capitol Hill. In all we now have 10 schools and 1200 reading partners and students participating in the Everybody Wins! program. But we must reach many, many more children. We need 10 times that if we are going to do what we should be doing in the District of Columbia.

The Everybody Wins! program has benefitted enormously from corporate support to help us reach more children.

As it happens, tomorrow night is the third annual event that makes expansion of Everybody Wins! possible—it is called Links to Literacy and takes place just a stone's throw from here in Union Station. With complete bipartisan support, and sponsored by the PGA tour we hope to be able to impact many more children in the year to come. I want to thank all of my colleagues who joined with me in lending their names to Links to Literacy and I look forward to seeing all of you tomorrow night.

Also, I want to commend some extraordinary programs at work in my home state of Vermont: Mother Goose Logs On, a collaborative effort between Nynex and IBM that improves literacy through interactive technology; the America Reads program that so many of our college students are tutoring in and the Vermont Center for the Book which has worked to improve access to books for kids in so many ways. When everyone in the community becomes involved and when adults read aloud to children—Everybody Wins!

I thank all my colleagues who helped pass this resolution.

I just want to indicate we have a number of these Links to Literacy '98, Everybody Wins invitations available to those who would like to participate tomorrow night. The Singing Senators will be there to make sure the event is enjoyable for everyone.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Mr. President, I also ask unanimous consent that Debra Ladner, an intern in our office, be allowed to be on the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. I thank the Chair.

Mr. President, it is my understanding that we are in morning business. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. WELLSTONE. I thank the Chair.

(The remarks of Mr. MACK and Mr. WELLSTONE pertaining to the submission of S. Res. 187 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, February 27, 1998, the federal debt stood at \$5,520,668,318,465.51 (Five trillion, five hundred twenty billion, six hundred sixty-eight million, three hundred eighteen thousand, four hundred sixty-five dollars and fifty-one cents).

One year ago, February 27, 1997, the federal debt stood at \$5,349,403,000,000 (Five trillion, three hundred forty-nine billion, four hundred three million).

Twenty-five years ago, February 27, 1973, the federal debt stood at \$454,020,000,000 (Four hundred fifty-four billion, twenty million) which reflects a debt increase of more than \$5 trillion—\$5,066,648,318,465.51 (Five trillion, sixty-six billion, six hundred forty-eight million, three hundred eighteen thousand, four hundred sixty-five dollars and fifty-one cents) during the past 25 years.

IN MEMORY OF SENATOR ABRAHAM RIBICOFF

Mr. HOLLINGS. Mr. President, today I would like to pay tribute to my friend Senator Abraham Ribicoff and his remarkable legacy. His passing has left a void in public service that will be difficult to fill. Over more than 40 years of public service, he set a standard for integrity, dedication, and wisdom that is difficult to match.

Abe Ribicoff's journey to the Senate was an arduous one. He was born not to power, but rather to poverty. His father was a Polish Jewish immigrant who worked in a factory and as a peddler. After graduating from high

school, young Abraham Ribicoff worked for a year at a zipper and buckle factory in New Britain, Connecticut, to earn money to attend New York University. After a year, he transferred to Chicago. There, he was such an assiduous and gifted student that he was admitted to the University of Chicago law school—one of the most prestigious in the nation—without an undergraduate degree.

After graduating from law school, Abraham Ribicoff realized his calling was that of the public servant. He entered politics at an early age, but without the benefit of well-placed connections or cronies. He worked his way up from the lower house of the Connecticut legislature by mastering complicated legislation and earning the respect of his peers, and after ten years he was elected to the U.S. House of Representatives. In 1954, Abraham Ribicoff was elected Governor of Connecticut.

His personal experience of poverty instilled in Sen. Ribicoff a compassion and a desire to serve the public good that never faded. The desire to help the unfortunate and marginalized members of our society was the hallmark of his political career. As Governor of Connecticut, he established a strong, progressive record. As the Secretary of the Department of Health, Education, and Welfare in the Kennedy administration, he promoted policies to improve the living conditions, working environment, and health care of all Americans. And as a Senator during the 1960s and '70s, he was one of the strongest supporters of Medicare, education funding, environmental protection and regulation, and auto safety standards.

Most of all, I remember Abe Ribicoff as a man of integrity who never wavered from his convictions or sacrificed his principles for political expediency. He was a statesman who disregarded opinion polls and governed by conscience. His death marks the passing of a great public servant, and it reminds us that America could use many more like him today.

NEW MEXICO'S CUARTO-CENTENARIO CELEBRATION

Mr. BINGAMAN. Mr. President, I rise today to speak briefly about a very special anniversary this year in New Mexico, and to share a message from President Clinton to everyone celebrating the state's Cuatrocenenario.

The date July 1, 1998, marks 400 years since a small group of Spanish pioneers ventured north from Mexico, up the Rio Grande Valley and settled in what is now North-Central New Mexico. The settlers, led by Don Juan de Onate, established a small mission at the confluence of the Rio Chama and the Rio Grande and next to an Indian Pueblo the inhabitants called "Ohke". The Spanish settlers named their mission San Gabriel de los Espanoles.

This year is not just about recognizing these early Spanish settlements, but about celebrating the Hispanic people themselves and the many contributions they have made to the history of this continent and this country over the last 400 years. Indeed, we can point to all aspects of American culture, from literature to sports, and identify many Hispanic individuals who have made significant contributions.

I look forward to celebrating this anniversary and the Hispanic culture throughout this year in New Mexico. I ask that a copy of President Clinton's message to all who are celebrating this historic occasion be printed in the RECORD.

The message follows:

THE WHITE HOUSE,
Washington, February 24, 1998.

Warm greetings to everyone celebrating New Mexico's Cuatrocenenario.

In 1598, when Juan de Onate led a band of soldiers and Franciscan priests to the land we now know as New Mexico, few could have foreseen the impact of their expedition. The chain of events that would ultimately lead to statehood for New Mexico in 1912 had begun and would change our country forever.

This year's celebration of the 400th anniversary of New Mexico reminds us all of the long and rich history of this beautiful place. Today's New Mexicans live with that history. The state's original peoples, who are represented by 21 pueblos and tribes ranging from Apache to Zuni, would consider four centuries a blink in time, for their ancestors arrived more than 10,000 years ago. And the remains of earlier civilizations can still be seen in New Mexico.

Our 47th state is a fascinating mixture of old and new, deserts and forests, mountains and valleys, small towns and urban centers, cattle ranches and microprocessor plants, scientists, artists, and farmers. While taking pride in their colorful past, New Mexicans also look to the future with vision and confidence. With a strong dedication to quality education and a clean environment, with thriving agriculture, expanding industry, and a growing, ethnically diverse population, New Mexico is approaching the 21st century with energy and enthusiasm. This milestone anniversary offers a wonderful opportunity to reflect on the extraordinary achievements of New Mexico's people, remembering their accomplishments in the past and celebrating the promise of the future.

Best wishes to all for a memorable celebration.

BILL CLINTON.

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1997

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 1173.

The clerk will report.

The bill clerk read as follows:

A bill (S. 1173) to authorize funds for the construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

The Senate resumed consideration of the bill with a modified committee amendment in the nature of a substitute (Amendment No. 1676).

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, this as you know is the so-called surface transportation legislation, sometimes called the highway bill, sometimes called ISTEA II. We are ready to do business here. Anybody who has amendments I hope will come over and present them. We are ready to take them up. There is no waiting. There is plenty of opportunity. So I hope those within listening distance will heed this very kind invitation to please report for duty.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. GRAMM. Mr. President, I ask unanimous consent that further proceedings under the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Texas.

Mr. GRAMM. Let me ask Senator CHAFEE a question. Did Senator CHAFEE want to outline the agreement we have reached?

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRAMM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMM. Mr. President, I wanted to come to the floor this afternoon to talk about an agreement that has been reached with regard to the highway bill, to talk about where we are and what the highway bill is going to look like, and, obviously as each of us will do, I want to talk about the impact on my own State of this very important agreement.

Let me give people a little history to sort of define how we came to the moment of reaching this agreement. First of all, last year in the tax bill I offered an amendment to take the 4.3-cent-per-gallon tax on gasoline that had, under the 1991 budget agreement, gone into general revenue and been spent. It was the first tax on gasoline since we had the Highway Trust Fund that went to general Government. What my amendment in the tax bill last year did was it took that 4.3-cent-per-gallon tax on gasoline and took the money away from general revenue and put it back into the trust fund where it belonged.

All over America, when Americans go to the gas pump and put that nozzle into their tank and pump gas, right on the gasoline pump it says there is bad news and there is good news. The bad news is that roughly a third of the price of a gallon of gasoline is taxes; the good news is that the money goes to build roads. The only problem is,

prior to today the good news was not true. Between 25 cents and 30 cents out of every dollar of gasoline taxes was being siphoned off to spend on things other than roads. We have reached an agreement today that will, over the next 6 years, end that process. We have reached an agreement today that will guarantee that over the next 6 years every penny collected in the 4.3-cent-per-gallon tax on gasoline will go to build roads and only to build roads. What that will mean is that we will raise the total level of spending in the bill that is before the Senate, in terms of committed obligations, by \$26 billion.

For people who are trying to figure out what that means to them and their State, let me give you a couple of numbers. That will mean that over this 6-year highway bill, we will spend on roads roughly 45 percent more than we spent in ISTEA, our previous highway bill. For my State, because of the leadership of the chairman of this committee, Senator CHAFEE, in trying to eliminate the unfairness to donor States, when you combine the new funds that are available with the fact that under the Chafee bill donor States will receive a minimum of 91 cents out of every dollar they send to Washington in gasoline tax back to their States, what it will mean is that my State will, under the new bill, receive 54 percent more funding than it received under the last bill.

That, in Texas, will mean an opportunity to rebuild our crumbling highway system. We have 31,000 miles of substandard highways. We have tens of thousands of substandard bridges. That 54 percent increase in funding for Texas will mean our ability to improve our highways. It will mean that thousands of people who are dying because of poor roads won't die. It will mean an improved infrastructure that will mean more jobs, more growth, more opportunity all over the country. It will mean that people will spend less time in traffic and, obviously, have the opportunity to spend more time at work or more time with their families or more time doing what they choose to do.

So, I believe that this is a major step forward. It is a step forward in terms of building roads. It is a step forward in people seeing the Government do what they believed it has committed to do. Now that we have all the gasoline taxes going into the highway trust fund, we will, under this bill, for the first time, be in a position to say to people that every penny we are collecting in gasoline taxes under this bill will be spent on highways; that money will not be siphoned off to pay for other programs; that we will not use the trust fund as a slush fund for other forms of Government spending; and that when Americans pay gasoline taxes, the bad news is, a third of the

cost of a gallon of gasoline in America is taxes, but the good news will be that, for the first time in a long time, every penny of those taxes will end up being spent on roads. I believe that is a very good piece of news.

Finally, let me say there is one additional piece of good news that I think every Member should understand, and that is this agreement does not bust the budget. We have agreed to use the gasoline tax to fund highways and only to fund highways for that portion that goes to roads. And we have agreed that in writing a budget, we will offset this dollar for dollar, so that we will not bust the spending cap.

I hope that the House will decide to do it this way as well and that we will have an opportunity to use gasoline taxes, that portion that goes to highway construction in the highway trust fund, for roads and only for roads.

So I thank the majority leader. I thank Senator CHAFEE, Senator BAUCUS and Senator WARNER. I thank Senator BYRD for his leadership. I believe that this amendment, which is now scheduled to come up tomorrow, will be adopted by an overwhelming vote. I believe, based on that vote, that 85 or 90 percent of the pending amendments will go away. I believe it will put us on the road to passing a highway bill that will benefit everybody in America, and we are doing it the way families make decisions about priorities. We are doing it by deciding that this is a high priority.

We collected the tax for the purpose of building roads, and we are going to build roads with those taxes, and we are going to pay for it by not spending as much on other things. It seems to me that this is a rare example of Government really working the way people believe it should. I congratulate everybody involved. I yield the floor.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from Rhode Island.

Mr. CHAFEE. Madam President, I congratulate the Senator from Texas for his hard work in connection with this highway legislation. He was right when he said that it was his efforts that brought what was considered the 4.3-cent gasoline tax, that then went in the general fund, into the highway trust fund.

I have to confess that I was not an enthusiastic supporter of that effort, but I can certainly see the rationale behind it. The Senator had the votes and, as I recall, won that vote rather overwhelmingly.

The Senator has been intensely interested in the situation that not only affects his State but a series of States leading to the border, the additional traffic that has been generated by a program I was for, he was for and that I believe has been a great benefit overall for our country but has been very difficult on his State and some of the

neighboring States, and that is the so-called NAFTA truckloads, where these trucks are rumbling down into Mexico and from Mexico up into the United States carrying goods, which was the whole objective of what we sought when we passed the North American Free Trade Agreement.

The distinguished senior Senator from Texas has worked very hard to provide some extra money to take care of those roads that are taking an incredible pounding from the NAFTA trucks. In the agreement that we have reached, we have provided, as a result of the pressing of the Senator from Texas, some \$450 million, which we will be presenting to the committee tomorrow, and it is my hope and belief that the committee will approve that additional money.

I tip my hat to the Senator from Texas. He is a veritable bulldog in connection with these matters. When he and the senior Senator from West Virginia team up, it is a formidable aggregation. I salute both of them. As a matter of fact, they came away with everything they sought. But in the agreement that we reached, they made some concessions to other programs that they might not have been too enthusiastic about. So the whole thing was a compromise. All of us had to give, and I think the result is a good one for our country.

What will happen next, Madam President? I and the distinguished ranking member of the Environment Committee will take this to our committee tomorrow. We are both for it. We will be salesmen for it. We are not just messengers; we are salesmen for this program. The staffs have met and appear to be enthusiastic about what we are undertaking here. We look forward to our meeting tomorrow. If all goes well, we could report it out, and then I believe that we cannot bring up financial matters until Wednesday, that is, amendments that deal with financial matters to this bill. But that can be changed, and we can, hopefully, bring up this amendment that the Senator from Texas was discussing.

Mr. BYRD. Mr. President, will the distinguished Senator yield or if I may have some time?

Mr. CHAFEE. Yes. Yes, I yield the floor, Madam President.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Madam President, we have completed today what I consider to be one of the most remarkable group of meetings that I have participated in during my nearly 40 years in the Senate. Those meetings were called by the distinguished majority leader, Mr. LOTT.

What brought us to the meetings were these circumstances: A 6-year highway authorization bill had been reported to the floor. Numerous Senators came to me and said to me, "Senator,

we need more money." I am not on the Environment and Public Works Committee. I am not on the Budget Committee. So I suppose I am a player who, in a way, has just come in from the outside.

But working with the distinguished Senator from Texas, Mr. GRAMM, whose amendment in the Finance Committee last year effected the transfer of the 4.3-cent gas tax into the highway trust fund, he and I and Senator BAUCUS and Senator WARNER joined together in an amendment which would have provided \$30.9 billion in additional contract authority for highways and bridges. Am I correct?

It was our desire to see this money that was building up in the highway trust fund spent on highways and bridges. Now, of the 4.3-cent gas tax that goes into the highway trust fund, 3.45 cents is intended to go for highways and bridges and 0.85 cents goes for mass transit.

Senators GRAMM, BAUCUS, WARNER, and I worked hard last fall in an effort to get cosponsors of our amendment. As a final result, we got 50 other cosponsors which, added to the four of us, made a total of 54 cosponsors of the amendment. And we had a good many Senators who told each of us that they would vote for the amendment even though they would not cosponsor it, if and when it came to a vote.

The majority leader then made the highway bill the pending business, and called certain Senators to meetings in his office, and we have had several such meetings. The participants have been the majority leader, Mr. DOMENICI, Mr. GRAMM, Mr. WARNER, Mr. CHAFEE, Mr. BAUCUS, and myself. On at least one occasion, Mr. D'AMATO was included.

In any event, those were difficult meetings. In the final analysis, everybody sacrificed something. In the end, we agreed to increase the amount in the bill \$26 billion for highways. I ask my colleagues, am I correct?

Mr. GRAMM. Twenty-six.

Mr. BYRD. Twenty-six. All right. I thank from the bottom of my heart my friend, that old crusty New Englander who wins our admiration and respect, Mr. CHAFEE. He and I have gone round and round about this, but in the final analysis, we have joined hands. So, the people of Appalachia, who constitute 22 million people in 399 counties of 13 States—those people who have been promised these corridors now for 32 years—can now see the light at the end of the tunnel, because what we have agreed to here will be the \$300 million that is already in the reported highway bill, plus \$1.89 billion, which will be added according to our agreement, thus making a total of \$2.19 billion, which conforms to the President's request.

For the entire cycle 1998–2003, then, there will be \$2.19 billion for Appalachian highways. That is not going to be earmarked money. That money is

going to those 13 States on the basis of the Appalachian highway mileage that remains to be constructed and considering the costs of completion. Throughout the region, of the total Appalachian development highway system, 78 percent of the system has been completed or is under construction.

Beside and beyond the Appalachian portion, this agreement will benefit every State in the Union in terms of additional dollars for highways. I believe I am making a correct statement. The distinguished Senator from Rhode Island, Mr. CHAFEE, is nodding his head in the affirmative.

Let me close by thanking him again and by thanking the majority leader, by thanking Mr. GRAMM of Texas, Mr. BAUCUS, Mr. WARNER, and Mr. DOMENICI. It has been a beautiful exercise in give and take and finally coming to a consensus and shaking hands and saying, "We are going to stand by this agreement."

I thank all Senators, and I thank the Chair.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. CHAFEE. Madam President, I salute the distinguished senior Senator from West Virginia for the tremendous work he did in connection with this, not only just the Appalachian regional highway portion of this bill but the overall bill.

As the Senator mentioned, he was in on all the negotiations and pressed forward to conclusion. He outlined vigorously the needs of, and I don't want to say just West Virginia, because West Virginia is just part of the Appalachian region, he stressed the needs for all the Appalachian regional area and prevailed. I salute him for the work he did.

If he can fit it in, I would like to be asked down to the dedication of one of those roads. I have never seen them, to tell you the truth. I think I will go down and take a look. I have heard about them.

Mr. BYRD. Madam President, will the Senator yield?

Mr. CHAFEE. Yes.

Mr. BYRD. He will receive an invitation.

Mr. CHAFEE. Thank you. Thank you.

If it is anything like when we used to build roads at home when I was Governor, we would have a ribbon-cutting about every 2 miles of road we built. In any event, I look forward to it. And I salute the distinguished Senator with whom I have had such pleasure serving in the Senate ever since I came here. He had been here long before I ever got here. It has been one of the real treats of my experience in the Senate to have served with Senator BYRD.

Mr. BYRD. Madam President, I thank my friend.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. I can only but add to the remarks that have already been given, first, on the substance of the agreement and, second, in my thanks to all the Senators who have participated so intensely, so vigorously in the last week, or so.

The amendment that has been agreed to, first, is a significant amendment. It is an increase of about \$26 billion in contract authority over 6 years, from \$145 billion to about \$171 billion for highway programs, plus about \$2 billion for safety programs. So the agreement is very significant. It increases highway spending by roughly 20 percent over the committee-reported bill.

Now, the actual spending by the States, that is, the outlays, may be a little less than that. I hope not, but that amount is up to the Budget Committees and the Appropriations Committees.

Where did we come up with this money? Well, it started with Senator GRAMM's amendment last year, which transferred the 4.3-cent gasoline tax to the highway trust fund. That solved the first problem, namely putting that revenue in the Highway Trust Fund. But the second problem was that the Environment and Public Works Committee, which has jurisdiction over highways, could not increase the contract authority in order to spend that 4.3 cents without an agreement on the budget.

I am pleased that the agreement we reached today allows most of the 4.3 cents, namely the 3.45 cents that goes to the highway account, to be spent on highways. So the agreement provides for an increase from \$145 billion in contract authority in the committee bill, to \$171 billion. There is an additional \$2 billion that goes to safety programs under the jurisdiction of the Commerce Committee, for a total increase of \$173 billion.

This agreement is fair to all regions of the country. I know a lot of Senators were thinking, "What are those Senators doing in Senator LOTT's office? What have they agreed to? Aren't they just taking care of their own States? And are they being fair to us, too?" The fact is that Senator CHAFEE and I made an extra effort since the committee reported the bill out last fall, to talk to Senators who have had specific concerns with the bill—and meritorious concerns, I might add. This agreement, which will be incorporated into a committee amendment tomorrow, by and large, addresses those concerns.

Now, I cannot say it totally accommodates everybody. No amendment on highways can totally accommodate everybody. In fact, among the group that have been working on this agreement—Senator GRAMM; myself; Senator BYRD; the leader; the chairman of our committee, Senator CHAFEE, certainly; and

Senator WARNER—each of us would have fashioned this agreement a little bit differently if left to our own devices. But when the Senators see what is in the amendment and reflect on it and on the competing interests of other Senators, I daresay they are going to realize that this is fair. I would like to also add what this agreement will mean to the economy. It will give it a big boost. The Department of Transportation statistics indicate that for every billion dollars in additional highway spending, there are 42,000 more jobs in America—a billion dollars equal 42,000 jobs. That is in addition to the benefits derived from relieving congestion and helping America's competitive place in the world with better transportation systems. Furthermore, there is investment in intelligent transportation systems, new technologies which are going to further improve our transportation capabilities.

Let me add too that this agreement is within the budget. It is very important that this increase be within the budget, within budget caps. And I say that, Madam President, because this morning one of the newspapers had a headline, page 1, saying, in effect, "Uh-oh, there goes Congress again. It is going to bust the budget."

I appreciate the concern about busting the budget. I think all of us in the Senate do not want to break the budget caps or the provisions and the amounts that are in the budget. This amendment is consistent with the budget. We do not break the budget. It is true there is an increase in highway dollars as a consequence of this amendment, but it is also true that we are within the budget.

Senator DOMENICI, the very able chairman of the Budget Committee was very clear: We have to live within the budget. And we do.

I have the highest regard for him. He is a tough fighter. He is a very intelligent opponent. In fact, I learned a lot, Madam President, watching Senator DOMENICI, Senator GRAMM, Senator BYRD, and Senator CHAFEE. And what I learned is not only how tough and intelligent and fair-minded they are, but how committed they are to the legislative process. At the end of the meeting we all said, "Hey, this is within the ballpark. It may not be perfect. Each of us would probably prefer to do it a little differently. But it's a good outcome for all."

I am, frankly, very honored to be a part of the process. I will not belabor the point, but Winston Churchill once said that—and let me paraphrase here, Democracy, with all of its delays and inefficiencies and faint starts, is absolutely the worst form of government, except there's none better.

I think that the meetings we have been having over the last week or so are a good example of that. And I only hope now that we can get this adopted,

finish with the highway bill, get on to conference, and, most importantly, put it on the President's desk so that all of our work will come to fruition.

I thank all Senators.

Mr. CAMPBELL addressed the Chair. The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. CAMPBELL. Did the Senator yield?

Mr. BAUCUS. Yes.

Mr. CAMPBELL. Madam President, I ask unanimous consent to speak for 7 minutes as in morning business.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. Reserving the right to object, I ask the Senator, could I speak for 2 minutes on this bill? I was part of the negotiating.

Mr. CAMPBELL. I will be glad to yield.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Thank you, Madam President.

We have reached, to the extent that the budget chairman could have some kind of influence, agreement on making sure that we fund this new 4.3 cents, which Senator GRAMM last year had moved from the general fund to the trust fund for highways. My role was to make sure that we did not spend any more than the 4.3 cents portion of that which goes to the highway programs of this country.

You would be surprised what differing opinions there were about what is the right dollar number, because there are different versions of what one was trying to do with the Byrd-Grumm bill and what Senator CHAFEE was trying to do with his bill and what I was trying to advocate.

But let me say to the Senators—some of whom have not gone on the Byrd-Grumm bill because they were wondering what its impact on the budget would be—I cannot say it will not have any impact, because if I showed up here and said that, knowing what I know about the budget, I would be laughed off the Senate floor, because it is a substantial addition to the trust fund, which would not have been there had Senator GRAMM not moved that 4.3 cents from the general fund, where it was being used before for deficit reduction as part of President Clinton's first budget, and there would not be this additional money.

So I had a difficult problem with it. And some Senators were waiting for me to suggest that we would not have to break the caps, that is, the agreed upon annual expenditure levels written into law for the next 5 years which, as I will repeat over and over on this floor, are dollar numbers. And that is not a process. That means we have written into statute, law, how much we can spend in appropriated expenditures—the 13 bills we do plus the high-

way bill and a few other things. That is the total amount each year. If you spend more than that, then all of Government gets an across-the-board sequester cut.

We did our best to arrive at, what is the number. I think it is fair to say that it was somewhere between a total of \$171 billion and \$174 billion or \$175 billion; and then we settled on \$173 billion. That is a pretty fair number from the standpoint of asking the Congressional Budget Office: How much will it spend? How much contract authority do you need to have all of that money obligated? And that is where we are.

Now, that will be divided over the 6 years. The first 6 years is already settled, because we have completed it. But the next 5 will have new activity. And I think by the time Senator CHAFEE's committee produces the bill, each State can look and see what it is going to get in relation to donor and donee States. And I believe it is going to be a very satisfactory bill.

There are a lot of other things that have to be done besides just pour highways in the country. There is some research that has to be done. There is some money that has to go to States that have special problems because they have an awful lot of public lands in their States. There are Indian roads, which in the last 6 years we have started funding. They are the poorest, in roads, of any group in America, and their reservations are the poorest, in terms of transportation, of any. That money has to be in here.

But I think under Senator CHAFEE's leadership there will be no donor-donee disparity exceeding 91 percent. They will get 91 percent of the money back. And the other part will go to the various programs that are national in scope or specific. I think that is a rather good final conclusion. I regret having to have stood in the way of this bill for so long. But when it finally comes down to it, I think we all understand better what we are going to do.

Now, to the final observation: Can we fund this bill and not have to break the caps? I can tell you that we certainly will be able to in the year 1999 in the budget that we are going to write. Now, this money spends out more rapidly as years go on. I am just bound to do the best I can and to tell it as honestly as I can.

I believe we will be able to meet the caps and do this, but it may very well be that in a few years we will not be able to do that. I do not think it is going to be a big disparity. And I think that everybody understands that the people of this country deserve that highway trust fund moneys be spent on highways. That is why it has been very difficult to say, we should not have this program. Because that money is there, what can it be used for? Since we voted overwhelmingly to put it in that trust fund, we ought to spend it for

highways. There is nothing by way of infrastructure in our Nation—to use the word as generously as you want—there is nothing more wanting in the country than the highway infrastructures of our respective sovereign States. And we will make a pretty big dent in catching up with this bill.

So I am pleased to be a part of it. I didn't write the bill, but it was a good experience. And I want to close by saying in particular, when you have a leader who wants to get things done—TRENT LOTT, our leader, wants to get things done. We could have gone on for I don't know how many more days, but we finished in about 3 or 4 days of rather lengthy sessions getting as much input as we could.

Now the Senate will speak. We will look at this bill that Senator CHAFEE will produce, a substitute that reaches the conclusions that this negotiating team had, and then the Senate will decide what it is going to do. I, for one, have committed that I am going to support the product that is forthcoming. Not every bit of it is what I would do, but I think overall it is probably the best we could do for our country. I hope it leaves the Senate with a very large majority. The House still has to do theirs. We have to go to conference. And States, by May 1, ought to be getting some additional obligational authority.

I thank the Senators for their participation, and I yield the floor.

Mr. CHAFEE. Madam President, I want to salute the Senator from New Mexico for his part in this. He had responsibilities. He had responsibilities to guard the budget. And he carried out those responsibilities. I felt very strongly allied with him in connection with those efforts, and I think what we came out with was a satisfactory solution. Are all of us totally satisfied? Of course not. But we are totally satisfied that the end result was as good as we could get under the pressing problems we are faced with. So I am going away happy and hope that the Senator from New Mexico is likewise.

I also want to join his tribute to the majority leader. The majority leader was the one who got us in there and actually proposed the final compromise that we agreed to. So he deserves a lot of credit for moving us along.

I thank the Chair. I thank the Senator from Colorado for his patience.

Mr. CAMPBELL. It is good to be of service.

Madam President, I ask unanimous consent to speak as in morning business for 7 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. The Senator from Colorado is recognized for 7 minutes.

(The remarks of Mr. CAMPBELL and Mrs. HUTCHISON pertaining to the introduction of S. 1695 are located in to-

day's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mrs. HUTCHISON. Madam President, I also want to say I was here on the floor during the recent agreement that was made on the highway bill. I commend my fellow Senator, my colleague from Texas, Senator GRAMM, for working with Senator BYRD in what I think is a very important accomplishment not just for my State but for all Americans.

Many of us feel that our transportation infrastructure is the key to our continued economic viability in this country. Many of us have been very concerned that we have shortchanged that infrastructure by putting money in other areas.

What Senator GRAMM and what Senator BYRD did today was to assure that we are going to have the money that people pay in their gasoline taxes each day when they go to work, assure that it comes back in the form of a user fee to help ease the transportation congestion in our urban areas and to make it easier to access our rural areas in this country.

I commend Senator CHAFEE and Senator BAUCUS for working with Senator GRAMM and Senator BYRD to come out with a very fair agreement that will benefit everyone. I especially thank also Senator DOMENICI, the chairman of the Budget Committee, for helping to make sure that would happen without busting the budget caps because that is also our responsibility as stewards of our Nation.

I think we had a very important agreement, and I look forward to voting for this agreement tomorrow on the floor. I think everyone will be pleased that we are going to have the money that is paid every day by Americans, that 4.3-cent-per-gallon gasoline tax, go right where it should go, and that is to ease our transportation byways and highways and the transit systems that keep us from having congestion and environmental pollution in our cities.

Mr. CHAFEE. Madam President, I thank the distinguished Senator from Texas for her very kind comments. We appreciate those remarks.

She is absolutely right. The senior Senator did do a splendid job not just for his State but all the trucks coming and going in connection with the NAFTA agreement, particularly the border crossings down in her State. We are pleased things came out the way they did. We look forward to her support when we bring the bill up on the floor.

Mrs. HUTCHISON. If the Senator from Rhode Island would yield, I am happy he mentioned the corridors, the trade corridors, that were also included in the recent agreement.

As we have opened our trade with Mexico, it has caused a huge congestion on the NAFTA corridors that

come through my State but also through other States that are on the border and also up into the rest of our country.

I am very pleased you have allocated an extra amount for wear and tear because it will ease the congestion and stop some of the long delays that we are seeing at the border because we don't have enough bridges and gateways. This will help alleviate that and make it even easier to trade with our neighbor to the south.

Mr. CHAFEE. Madam President, I have seen those jams down there. I have seen them in California by Tijuana. The trucks were all lined up. It is incredible. I saw a little bit of it in Texas, but that was just a sampling of what later has occurred as the NAFTA agreement has come into full flower with the jam-ups on both sides of the border, trucks trying to come across, customs inspectors trying to do their job. It truly is tremendously congested.

Both Senators from Texas are absolutely right in addressing this problem.

TEXAS INDEPENDENCE DAY

Mrs. HUTCHISON. Madam President, I rise today to talk about a point of history as well. That is to commemorate, today, from 162 years ago, Texas Independence Day.

Each year I look forward to March 2. This is a special day for Texans, a day that fills our hearts with pride. On this day, 162 years ago, a solemn convention of 54 men, including my great great grandfather Charles S. Taylor, met in the small settlement of Washington-on-the-Brazos. There they signed the Texas Declaration of Independence. The declaration stated:

We, therefore . . . do hereby resolve and declare . . . that the people of Texas do now constitute a free, sovereign and independent republic . . .

At the time, Texas was a remote territory of Mexico. It was hospitable only to the bravest and most determined of settlers. After declaring our independence, the founding delegates quickly wrote a constitution for the newborn republic. Then they organized an interim government.

As was the case when the American Declaration of Independence was signed in 1776, our declaration only pointed the way toward a goal. It would extract a price of enormous effort and great sacrifice.

While the convention sat in Washington-on-the-Brazos, 6,000 Mexican troops were marching on the Alamo to challenge the newly created republic. Several days earlier, from the Alamo, Col. William Barrett Travis sent his immortal letter to the people of Texas—and to all Americans. He knew the Mexican Army was approaching. And he knew that he had only a very few men to help defend the San Antonio fortress. Colonel Travis wrote:

Fellow citizens and compatriots: I am besieged by a thousand or more of the Mexicans under Santa Anna—I have sustained a continual bombardment and cannonade for 24 hours and have not lost a man—the enemy has demanded a surrender at discretion, otherwise, the garrison are to be put to the sword if the fort is taken—I have answered the demands with a cannon shot, and our flag still waves proudly from the wall—I shall never surrender or retreat.

Then, I call on you in the name of liberty, of patriotism and of everything dear to the American character, to come to our aid, with all dispatch. The enemy is receiving reinforcements daily and will no doubt increase to three or four thousand in four or five days.

If this call is neglected, I am determined to sustain myself as long as possible and die like a soldier who never forgets what is due to his own honor and that of his country—Victory or Death. William Barret Travis, Lt. Col. Commander.

What American, Texan or otherwise, can fail to be stirred by Col. Travis' resolve? In fact, Col. Travis' dire prediction came true—4-5,000 Mexican troops laid siege to the Alamo. In the battle that followed, 184 brave men died in a heroic but vain attempt to fend off Santa Anna's overwhelming army, but the Alamo was crucial in Texas independence. Because those heroes at the Alamo held out for so long, Santa Anna's forces were battered and diminished.

Gen. Sam Houston gained the time he needed to devise a strategy to defeat Santa Anna at the Battle of San Jacinto, just a month or so later, April 21, 1836. The Lone Star was visible on the horizon at last.

We Texans continue to commemorate the heroic times during which we won our independence, when we existed as a republic and finally joined the Union.

Each year, on March 2, there is a ceremony at Washington-on-the-Brazos State Park where there is a replica of the modest cabin where the 54 patriots laid down their lives and treasure for freedom.

Each year, as close as possible to March 2, I read Colonel Travis' letter to my colleagues in the Senate, a tradition started by Senator John Tower. This is a reminder to them and to all of us of the pride Texans share in our history and in being the only State that came into the Union as a republic.

Mr. President, I am pleased to continue the tradition that was started by Senator Tower because we do have a unique heritage in Texas where we did fight for our freedom. Having grown up in the family and hearing the stories of my great-great-grandfather, it was something that was ingrained in us—fighting for your freedom was something that you did. We did it for Texas and we have done it for America.

I think it is very important that we remember the people who sacrificed, the 184 men who died at the Alamo, the men who died at Goliard, who made it possible for us to win the battle of San Jacinto and become a nation which we

were for 10 years before we entered the Union as a republic.

Now we fly both flags proudly—the American flag and the Texas flag—over our capital. I am very pleased to once again commemorate our great heritage and history.

Mr. BAUCUS. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPPORTING IMF REPLENISHMENT

Mr. BAUCUS. Madam President, I rise to discuss the President's request to provide new support for the International Monetary Fund.

Last December I spent two weeks in Southeast Asia, visiting the Philippines, Brunei, Thailand and Indonesia.

Two of these countries, Thailand and Indonesia, are among the nations hardest hit by the currency crisis. They, along with the Philippines and South Korea, are working with the IMF to reform their financial systems and promote an early recovery.

I believe it is very much in our interest to help them through this crisis, and to provide insurance against a new one by supporting the full request for IMF replenishment.

ECONOMIC STAKES FOR THE U.S.

Why is this?

First, all the countries suffering from the crisis are important markets. South Korea is our sixth largest export market. Thailand bought nearly \$9 billion worth of American exports last year. And the longer this crisis continues, the less they will be able to buy.

So economists predict that our economy will lose a half point to a full point of growth next year, meaning \$40 billion to \$80 billion. Bringing it home, I got a letter last month saying a Montana semiconductor company has just laid off 85 people because of this crisis. If we fail to stop the crisis now, we could well see worse, as pressure grows on China to devalue its own currency. The result of that would be new panics and currency crashes, coupled with greater economic losses for America.

NATIONAL SECURITY STAKES

National security should be an even greater concern in this crisis.

In the past century, we fought seven foreign wars: the Spanish-American War, the "Philippine Insurrection" which followed it, World War I, World War II, Korea, Vietnam and the Gulf War. And of these seven wars, we fought no less than five in countries affected by the Asian financial crisis. Even today, we have 37,000 troops in South Korea to deter a North Korean invasion.

Since the 1970s, economic growth has helped make Asia more prosperous,

stable, and peaceful. And that has been of immense national security benefit to us. If the region falls into depression, that could change. Southeast Asia could become destabilized; North Korea could see an opportunity in an unstable South; and we could see other consequences we cannot now predict.

FOUR CONDITIONS

So it is in our interest to end this crisis. And we should contribute to the IMF's effort to do so, under four conditions.

First, we should not simply bail countries out; instead, we should help those people who are willing to help themselves.

And that is what we see in most affected Asian countries. Thai citizens, through the "Thai Helping Thai" campaign, have contributed millions of baht to help the country pay off foreign debts. In Korea, a similar campaign has brought in donations of gold from sixteen million of the country's forty-two-million people. As the President of the Institute of Korean-American Affairs told me in a letter she sent last month:

With every ounce of gold that is collected, there lies a pool of personal memories. Married couples are giving their gold wedding rings and parents are surrendering gold items they had hoped to pass on to their children.

Likewise, governments are taking very tough and courageous reforms—closing failing financial institutions, ending subsidies and opening capital markets. Having spoken first-hand with Prime Minister Chuan and his team, I believe the Thai government is of high quality and has a convincing plan for recovery. While I have not visited South Korea since the crisis began, my impression is that President Kim Dae-jung also has an aggressive reform agenda and deserves our support.

Second, other countries should share the burden. And, in contrast to the Mexican crisis three years ago, they are doing so.

Japan has pledged \$19 billion, about double our pledge of \$9.7 billion. While Japan should do more to promote imports from affected countries than it has, its financial contribution in time of recession deserves credit.

Other countries are also doing their part. Australia has pledged \$5 billion, Singapore also \$5 billion, the European Union \$3 billion, and China \$1 billion. And China should be applauded for sticking by its promise not to devalue its own currency despite intense pressure on Chinese exports.

Third, the new IMF funding should be part of a long-term strategy to update the international financial institutions.

Between 1986 and 1995, world GDP grew from \$26 trillion to \$33.5 trillion, or 25%. During the same period, world capital flows grew from about \$188 billion to \$1.2 trillion per day—about

630%. So the financial world has fundamentally changed in a way the world productive economy has not.

International financial policies and institutions have not kept up. Our failure to anticipate two large crises in three years—Mexico and Asia—shows that beyond any doubt. So as we approve funding for the IMF as today's leading financial institution, we also need a serious, profound effort to understand what changes we need to make to adapt ourselves to a new world.

Finally, we must be ready to say "no" when governments will not reform. In this regard, I am very concerned about Indonesia.

Indonesia's finances are no worse off than are Thailand's or Korea's. But the government has been far slower to implement the reforms it pledged last year, and has recently cast about among several new plans. The result has been a prolonged crisis, continued capital flight and threats to political stability.

We should work very closely with Indonesia's government to fix these problems. But if the government will not implement its promises, we will have no choice but to back off.

On the whole, I believe the Administration is acting in the spirit of our national interest and good common sense by working with the IMF to end the financial crisis. So far, when governments have implemented the IMF programs, the results have been good. The Thai currency has recovered from a low of 57 to the dollar to 43 today, and the Thai stock market has rebounded by more than 50% since January. Korea is also seeing good results; and countries with less financial trouble—Singapore, the Philippines, Brunei—are benefiting from their neighbors' recovery.

So we should stick with a plan that is working. We should approve the Administration's request for IMF replenishment. It is appropriate for Congress to add some conditions relating to market access or greater openness on the part of the IMF. But it is not appropriate to turn the request down or to link it to totally unrelated issues like abortion, as some in the House hope to do.

Madam President, this is a critical issue of American leadership; of American national interest; and also of jobs and prosperity for Americans at home. I hope the Senate will approve the Administration's request.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SCHUYLKILL VALLEY METRO LIGHT RAIL SYSTEM

Mr. SPECTER. Madam President, I have sought recognition for two reasons:

First, to comment about the Schuylkill Valley Metro Light Rail System, which I visited this morning. It is a very fine example of what can be accomplished with light rail, for many purposes. It seeks to establish a light rail commuter line from city hall in Philadelphia to Reading, Pennsylvania, a stretch of some 72 miles, which would be enormously helpful in transporting people from the inner city to the surrounding counties in the Philadelphia area where there is a labor shortage, to move people from areas where people need jobs to areas where employers need people to fill jobs. This line would further be enormously helpful, to take pressure off of the Schuylkill Expressway, an alleged high-speed line in the Philadelphia area which is more frequently a parking lot as opposed to a high-speed line. It would further be enormously helpful on the problems of air pollution, as a tremendous stream of traffic moves from the suburbs over the Schuylkill Expressway and U.S. route 422.

The cost of this light rail system would be \$720 million, with the Federal share being \$576 million. Congressman JON FOX joined me today at the area where we took a look at the proposal, and I think it is really a very, very useful use of ISTEA funds. It is my hope that, as we move ahead with the so-called ISTEA legislation, we will make a very substantial investment in infrastructure and that the higher figure will be adopted by the Senate, by the House, and by the conferees as we move through this important legislation.

I have joined over the years in efforts to take the highway trust fund off budget so it will be used for the specific purpose for which it was intended. I know in my State there are an enormous number of important projects which could be funded if the highway trust fund were to be used for highways, bridges and mass transit. I have confidence that the same exists around the country.

THE ESCALATING WAR BETWEEN THE PRESIDENT AND INDEPENDENT COUNSEL

Mr. SPECTER. Madam President, I now seek to discuss, or comment, on the escalating war between the President and independent counsel and to urge the independent counsel to reply forcefully in the public forum to attacks, as opposed to the use of the grand jury as a means of investigating the people who are proposing and undertaking those attacks. My own sense is that independent counsel would be well advised to reply to his critics in a public forum, and by that I do not

mean in his driveway in the morning, but, when criticized, to reply. I have had some experience as a prosecutor running grand jury investigations, and it is an inevitable consequence that, when someone is under investigation, that person, persons or entity, will not like the investigation. I think it would be enormously useful if the American people knew, for example, why Mr. Starr is in the investigation on President Clinton's personal affairs.

People ask the question, how did he move from the investigation of an Arkansas land deal, where he has been engaged for many years at very substantial cost, over to the investigation of the President on his personal matters? There is a very direct answer, but one which I think very few people know. That is that Attorney General Reno asked Mr. Starr to conduct this investigation. That request was made by the Attorney General about 6 weeks ago. We all know that Attorney General Reno is very reluctant to authorize investigations by independent counsel, with many of us having urged her to do so on campaign finance reform to no avail. So, when Attorney General Reno authorizes an investigation, there is a good indication that it is for a very, very strong cause. But people do not know that Mr. Starr got into this matter in relation to his authorized investigation of Webster Hubbell. And information came to Mr. Starr from Linda Tripp about an effort to secure employment for Ms. Monica Lewinsky under circumstances identical for Webb Hubbell, with the allegation being, and the inference being, that it was hush money for Webster Hubbell.

Linda Tripp came to Mr. Starr and Mr. Starr knew Ms. Tripp from his previous contacts with her when she was a witness in the Foster suicide and on Filegate. Ms. Tripp told Mr. Starr that Ms. Lewinsky had stated that a given individual had sought employment for Ms. Lewinsky outside of Washington, DC, with a specific firm, and that happened to be an identical firm—an identical individual who had made similar arrangements for Mr. Hubbell.

Mr. Starr then put a consensual electronic surveillance on Ms. Tripp, that is, consensual by Ms. Tripp. And Mr. Starr has been continually criticized for having conducted an unlawful electronic surveillance as recently as yesterday's TV talk shows. The fact of the matter is, Mr. Starr ought to make this point and ought to make it emphatically, that the one-party consent to the electronic surveillance was perfectly lawful under the law of Virginia where it took place.

After the electronic surveillance confirmed for Mr. Starr what Ms. Tripp said, Mr. Starr then took the matter to the Public Integrity Section of the Department of Justice and said, here is

the evidence. There are a number of alternatives. One is the Justice Department can handle the matter itself. Second, the Justice Department can seek other independent counsel. Or, third, the Justice Department could refer, Mr. Starr recounts, to Mr. Starr. The matter was then taken to Attorney General Reno, who said it was her decision to authorize Mr. Starr to conduct further investigation related to the Ms. Monica Lewinsky matter, and that was then confirmed by the three-judge court which authorizes Mr. Starr's conduct.

Now, at that time, obviously, Attorney General Reno knew about the electronic surveillance and, in asking Mr. Starr to conduct the investigation, there was, I think, fairly stated, more than implicit approval of what Mr. Starr had done, but really explicit approval of what Mr. Starr had done.

There has been very, very substantial comment on the question of executive privilege. And, in looking at the news media reports on comments about this legal issue, they appear, really, to be authored by people who are advocates for the President's position. The law on executive privilege is well established, has been since the case of *United States v. Nixon*, 418 U.S. 683, and it applies, as outlined by the Supreme Court of the United States on page 706 of U.S. Reports, volume 418, executive privilege applies to "protect military, diplomatic or sensitive national security secrets." Well, there is nothing of that nature involved in the investigation of the President's personal activities. Executive privilege applies to matters which are carried out by the Executive in his official capacity, again, not in his personal capacity.

There have been commentaries on the issue of the lawyer-client privilege as it would apply to a number of witnesses now appearing before the grand jury, and the speculation is that it is on Mr. Bruce Lindsey. Just as the claim of executive privilege might be applied to Mr. Bruce Lindsey, or perhaps to Mr. Blumenthal, we are not really sure, but there is very strong legal authority in a case decided by the Eighth Circuit Court of Appeals handed down on May 2, *In re—Grand Jury Subpoena Decus Tecum*, 112 F.3d 910. This is part of the controversy and contest between the White House and Mr. Starr—this case lays out, at page 920 of 112 Federal Reporter on the Third Series: Executive branch employees, including attorneys, are under a statutory duty to report criminal wrongdoing by other employees to the Attorney General.

Mr. Lindsey, who is an attorney, can hardly be in an attorney-client relationship to the President when he is a governmental employee. The court goes on to point out that the way a person retains a lawyer to have the attorney-client privilege is a very direct

way, and that is the person retains his own counsel and not looking to a governmental employee to be the counsel. A governmental employee like Mr. Lindsey or other attorneys have their fiduciary obligation running to the Government of the United States. It does not run to anyone else with whom they have contact, even the President of the United States. The express statutory authority set out in 28 U.S.C. section 535(b) establishes the obligation of any governmental employee, including attorneys, to report evidence of wrongdoing to the Attorney General of the United States.

The way these matters are commented upon on the talk shows and in the press and in the media, it appears that there is some strong ground to assert executive privilege. To call it frivolous would be elevating it to a higher level than it deserves. It is absolutely, positively a stalling tack, nothing more and nothing less. It could not possibly apply. Some may argue that the Eighth Circuit opinion is not binding on the U.S. District Court for the District of Columbia, but those who have referred to it in the media make the suggestion that it applies only in St. Louis. The fact of the matter is that it's a Circuit court opinion, it is very persuasive, and there is no authority to the contrary. It is based upon a principle of law which is hard to dispute, and that is that an attorney employed by the Government and paid by the Government owes a duty to the Government and has a statutory duty to report crime to the Attorney General, not to another governmental employee, even the President of the United States, who happens to employ him.

So we have a series of events where there is a very, very strong proposition that what is being undertaken here in this war, this escalating war between the President and independent counsel, really talks about legal propositions which are spurious and frivolous at best. It would be my hope that the independent counsel would respond to the President in the public news media. I know that prosecutors who are investigating cases do not like to disclose what is going on in a pending prosecution, and there are good reasons as a general matter for investigators or prosecutors on an investigative matter not to make disclosures but to keep those matters confidential. But when those prosecutors conducting these investigations are attacked in the public news media, there is absolute justification for a response.

I believe that Mr. Starr made a mistake when he called people before the grand jury last week such as Mr. Blumenthal, in giving Mr. Blumenthal a platform. I made mistakes myself when I was District Attorney of Philadelphia. I made some in the U.S. Senate. And just because Mr. Starr made a

mistake does not mean that he is disqualified from carrying on as independent counsel. It does not mean that he ought to resign, as some Members of the other side of the aisle have suggested. The fact is that the Attorney General of the United States has the authority, under the independent counsel statute, to remove Mr. Starr for cause, and the President has the authority, through the Attorney General, to remove Mr. Starr for cause. We have already gone through that once in our Nation's history under a circumstance, the so-called Saturday Night Massacre. But if Mr. Starr is doing things which require his discontinuance in office, that can be handled by the Attorney General. And no suggestion has been made that he ought to be removed. Nor do I think there is any basis for saying that.

When Mr. Starr has found his assistants under attack, it is understandable that there would be a very strong reaction.

Two of his assistants were attacked, one a Mr. Emmick. The information was spread broadly in the news media that an assistant independent counsel, Mr. Emmick, was criticized by a judge for using "threats, deceit, and harassment to get testimony in a 1994 police corruption case." But the fact of the matter is that the court transcript showed that the "threats, deceit, and harassment" had been directed at another Federal prosecutor in Los Angeles, and the same judge called Mr. Emmick "a man of integrity" at a hearing a year later.

These matters do not come out. I think that what Mr. Starr has to do is make a very forceful defense of his assistants.

Similarly, an associate independent counsel, a Mr. Udolf, had been reputedly fined some \$50,000 in a Georgia civil proceeding for violating the civil rights of someone who was wrongfully held in jail for 4 days in 1985. But others have come to his defense. The retired Federal chief judge, Judge A.R. Kenyon, said that Mr. Udolf "was very sensitive and always had compassion for people even though he had to prosecute them."

The point is that there are going to be criticisms, and in the course of a legal career, prosecuting attorneys may be censured, and the nature of a criminal proceeding very frequently is very highly charged, very emotional, a lot of things are said by both sides with frequently considerable provocation. But whatever is said, it is my view that Mr. Starr ought to respond in a public contest and ought to do it very, very promptly, again, without resorting to the matter of the grand jury to bring people in there.

The stepped-up attacks on Mr. Starr may carry the suggestion that he is getting closer. Dick Morris observed last week that the testimony of former

Arkansas Governor Jim Guy Tucker might prove to be very, very significant, perhaps decisive in the Arkansas land deal. I do not know whether that is true or not, but I do know that if you take a look at the chronology of events which lasted for years before Mr. Starr could bring former Governor Tucker to trial, it was a long, tough road which took a very protracted period of time, including overturning a judgment where an Arkansas Federal judge dismissed the indictment, the indictment later being reinstated by the court of appeals, and the court of appeals even granting the independent counsel motion to have that judge removed from the case.

So where you have a protracted period of time and very considerable money spent, it is relevant to note what has happened in the matter, these facts really not being known at all by the public and not being known by me unless I take a look to see exactly what is going on behind the veil.

When Attorney General Reno appointed Mr. Starr to expand the jurisdiction to cover the President's personal activities, I made a comment that was widely misinterpreted and widely misconstrued. I said 2 weeks ago that Attorney General Reno had erred in appointing Mr. Starr because people would not understand what he was doing in that case in light of the fact that he started off a long time before in the Arkansas land deal and that it was unfortunate because Mr. Starr has become a lightning rod.

No longer is there a focus of attention on what President Clinton has done, and he is, allegedly, supposedly the object of the investigation, but the attention has been focused only on Mr. Starr. I do not believe that Attorney General Reno had in mind when she appointed Mr. Starr that the appointment would prove to be such a formidable public relations defense for the President, directing attention away from the President as the focus of the investigation to Mr. Starr. But that is certainly what has happened. It is in no way a criticism of Mr. Starr that the Attorney General asked him to take over the investigation and that he has become a lightning rod.

That is where we find this matter. I believe the lightning rod has to exchange and reply in kind, and if it calls for lightening, so be it.

I went to high school in a small town in Russell, KS—Russell High School, which had a football team known as the Broncos. There is another football team not too far from Russell called the Broncos, the Denver Broncos, who were the Super Bowl champions. When I look at this battle, this war being waged with the President, on one hand, and the independent counsel on another, I analogize it to a football game between the Broncos who are the Super Bowl champs and the Broncos from my old high school football team.

If the playing field is to be leveled to any significant extent at all, I believe that Mr. Starr has to respond. The appropriate way to respond is exactly when these criticisms are made.

It is my hope and my understanding that Mr. Starr is not going to pursue the business of calling his critics before the grand jury. I think Mr. Starr, a former Federal judge, a former solicitor general, knows better than to argue that the first amendment is only for articulating the truth. Who knows what the truth is when you have a controversy, or who knows what the eye of the beholder is as to what the truth is? The first amendment is to protect freedom of speech. You cannot get involved in limiting it to who is telling the truth or it would be a never, ever ending controversy.

I hope that we will put this war between the President and the independent counsel on the back burner. I hope that we will presume the President to be innocent and that we will presume Mr. Starr to be innocent and to let the investigation go forward until it is concluded so that the President and the rest of us can focus our attention on the important items facing the country, like this important legislation, ISTEA, on the infrastructure spending of America for the next 6 years; on the enormous problems we are facing in Iraq; on the problems we are facing in balancing the budget and how to handle the \$1.7 trillion funding which we now have to apply to America's problems.

But if the debate is to rage and if it is to continue, it is my hope that the grand jury will not be the place where Mr. Starr's critics come, but that he will engage in forceful, lusty debate and express himself and answer his critics and let the chips fall where they may.

I thank the Chair, yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. THOMAS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1997

The Senate continued with the consideration of the bill.

Mr. THOMAS. Madam President, are we on ISTEA?

The PRESIDING OFFICER. The Senator is correct.

Mr. THOMAS. I would like to speak for 10 minutes on that.

The PRESIDING OFFICER. The Senator is recognized.

Mr. THOMAS. Thank you very much.

Madam President, I want to say—which has already been said a number of times—how pleased I am that we are moving forward on this important legislation. I am a member of the Environment and Public Works Committee, and we worked very hard last year to bring this to the Senate. Of course, as you know, we found some problems, particularly with the House version, and ended up with a temporary bill. That temporary bill expires the first of May, and all of us, I think, are aware of how important it is for us to get on into the permanent reauthorization of this bill so that our various State highway commissions can go forward with their plans.

The current ISTEA law has certainly, over the years, made some important changes in our whole transportation program, our transportation policies. It has changed things a great deal. We have come up with a national system of Federal highways. We have found a way to protect this system and to cause it to be effective. But as we move into the 21st century, we need, of course, to update this law as it was passed to make it more flexible, to make it such that the States can deal with the unique issues that they have.

I am from Wyoming where we have probably more miles and fewer people, more miles per person than, I suspect, most any other State in the Union. So our needs are quite different than they are in California, than they are in New York or Rhode Island. And this ISTEA bill tends to recognize that with more flexibility and more efficiency by reducing some of the regulations that go with it, by putting programs together and helping us to meet the challenges that are before us. It is not perfect, of course.

I believe ISTEA II achieves this goal of efficiency and flexibility, and creates "new rules of the road" that serve the national interest and will help us to build the highways—I hate to be repetitive—and bridges of the 21st century. I heard that somewhere before.

At any rate, my State, as is the case with all other States, has road needs. And our roads are in a condition such that they need a good deal of repair, a good deal of maintenance.

Again, Wyoming is unique. Wyoming taxpayers contribute more to the highway trust fund per person than any other State in the country because we drive more—nearly \$200 per person in Federal gas taxes. And yet we have a deteriorating bridge and road system. According to the best figures I get from our highway department, 44 percent of our roads and bridges are in a deteriorating condition, in a fair to poor condition. So we have a great deal to do.

These shortfalls, of course, in the roads of Wyoming, as in other States' roads, are a detriment to all taxpayers. If we are to have a national system, then, of course, you have to cross all the States to get there.

A set of efficient and well-maintained roads is important to the cities that export goods around the country, as they are to us in Wyoming. This bill, of course, and all of the activities and dollars that go with it are a very direct contribution to the Nation's economy. These dollars move out quickly. These dollars move to fill the needs of people throughout the country, provide jobs, and are very efficiently used in a very quick fashion. So ISTEA II will help the flow of goods and services in our country.

We worked very hard. I want to salute the chairman of the committee, Senator CHAFEE, who worked so hard to find, along with others, a fair solution. This is a difficult issue. Through the years, as everyone knows now, we have taken in more money from Federal highway taxes than we have spent. We kept it in the trust fund, at least partially, to help balance the budget.

We have a unified budget, so if you spend the money, even if it is in the trust fund, you spend the money in the highway fund, then you have to reduce the spending somewhere else in order to stay within the spending caps. That is not easy. So the first discussion we have had—it has been a very difficult one—is how much of that money do you spend without impeding on the other spending?

The second difficult one, of course, is that of the formula in which there is distribution. There is always great controversy about the formula. There are States that pay in more than they, frankly, get back. There are States that get more than they pay in. There are those who believe all the dollars should go to highways.

There are others who believe part of the money—this is, after all, a surface transportation bill—some of the dollars ought to go for public transportation, some ought to go for Amtrak, some ought to go for bicycle trails, and those kinds of things. So I suspect, of all the bills that we deal with, No. 1, everyone wants to pass it, everyone knows that it needs to go forward. But there are so many different kinds of interests that are represented here—and legitimate, all legitimate.

So finding a fair funding formula, based on the national interests, is most difficult. I admire very much what the leadership of this committee has done. And it is there to emphasize a National Highway System. I think that is key—a National Highway System.

Let me talk just a minute about an issue that I guess I would have to admit is particularly important to me, but I think to others as well. I happen to be chairman of the Subcommittee on National Parks. We find ourselves with national parks that are being loved to death. More and more people like to go to parks, but at the same time we find ourselves \$5 billion to \$8 billion in arrears in infrastructure.

Nearly \$2 billion of that backlog is in highways.

And, of course, parks only have one source of revenue, really, for the maintenance of their highways, and that is Federal taxes. Counties do not come in to Federal parks and build roads as they do in some other public lands. The State does not contribute to the highways inside of parks. So we have found that a high percentage of existing park roads and bridges are in poor condition. And therefore, we need to do something about it.

In my State of Wyoming, Yellowstone National Park alone is \$250 million behind for the care of highways. It is very difficult. First of all, they are built in difficult places. Their season is rather short to reconstruct. So it is hard to keep highways moving.

We are very pleased that in this particular bill we make a step forward—we make a step forward—and have moved up from about \$70 million a year, which has been traditional, to about \$180 million. So it makes a great deal of difference. And then the Park Service will decide where those allocations are made.

The same is true of other Federal lands. Wyoming is 50 percent Federal lands. Some States are much higher. Nevada, for example—86 percent of that State is owned by the Federal Government. So you have BLM lands. You have forest lands. You have refuge lands. All of these are lands that we look forward to helping through this program. And they will receive a small, relatively small increase, relatively small in terms of the problem, but a sizable increase.

Senators CHAFEE and WARNER and BAUCUS have been working with us on this issue. I feel confident that these park needs will very much be accommodated. I thank the Senators for their willingness to do that.

ISTEA II will streamline the program structure and give States and localities more flexibility. I believe that is very important. There is a consolidation of five programs into three, which helps to make it more efficient, provides more flexibility and gives the States more of a chance to decide where their dollars ought to go. I think that is very important.

Again, I thank Senators WARNER, CHAFEE and BAUCUS. They have worked very hard through this time.

Senator BAUCUS, Senator KEMPTHORNE, and I introduced an ISTEA II reauthorization bill. We called it STARS 2000. It was a shining example of what we ought to do. That was earlier this year. I thank them and their staffs for putting it together. Then Senator CHAFEE used that as one of the alternatives, we came together with a bill that I think is top-notch and one that I think we should move forward with as soon as possible.

There are some complications, of course. And they have been going on

for years. One of them is the idea of using Federal funds to require that States behave in certain ways in order to get their money. We will be talking about that. I suppose in a number of areas—one of them will have to do with drunk driving, having to do with alcohol content. No one is for drunk driving. Everyone wants to do everything they can to put a cap on that, eliminate it, if possible. But I have to tell you, Madam President, that I find it very difficult to explain why the Federal Government has to tell the States how to do these various things.

I happen to have been in the Wyoming legislature. Most of us here have been in our State legislatures. I think legislatures are perfectly capable of deciding what those kinds of things ought to be, whether it is motorcycle helmets or speed limits or drunk driving, alcohol content.

It seems to me those are the kinds of things that States really ought to do. And I can tell you that folks resent very much the idea of using what they call "blackmail" in terms of Federal money to do that. So I hope we can avoid that. I hope we can be for all the things we ought to be for. But the idea of us deciding here seems to me to be inappropriate.

So I really am pleased that we are moving, and I am glad the leader has brought this forward. Certainly, much of that is a result of the efforts made by the Senators from Texas and West Virginia as they pushed very hard to do this.

ISTEA II maintains the integrity of the ISTEA law. It improves it by more equitable investment of user fees. It ensures that people can cross the country with goods and services. And "bridge" States are involved as well. It increases flexibility.

Again, obviously, nothing is perfect. A bill of this kind is never totally suitable to everyone. But that is the way it is. That is what we are here for. That is why we have a system of deciding and voting—so that we can come up, by a majority vote, to the thing that we think best serves this country and serves it on the intermodal surface transportation.

I yield the floor.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. I thank the distinguished Senator from Wyoming very much for his kind comments on the work we have done. The Senator from Wyoming is a very valuable member of the Environment and Public Works Committee. He has worked with us. As he pointed out, he had one of the major bills that went into the final amalgamation we had here—the STAR bill. And he had deep concerns, as he has outlined here, in certain particular areas. I am glad that we were able to take care of those areas.

Indeed, when we meet tomorrow, I believe we will be, as I pointed out to the Senate a little earlier, able to do even better in some of those particular areas he is concerned with. So our committee will be meeting tomorrow at 9:30. And I look forward to working with the Senator from Wyoming as we proceed with an amendment incorporating some of the provisions that have come about as a result of the additional money that has come forward just in the last—well, just agreed to earlier this afternoon. So, again, I thank the Senator.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF RICHARD L. YOUNG, OF INDIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF INDIANA

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session to consider the nomination of Richard L. Young, of Indiana, to be United States District Judge for the Southern District of Indiana.

The clerk will report.

The assistant legislative clerk read the nomination of Richard L. Young, of Indiana, to be U.S. District Judge for the Southern District of Indiana.

The PRESIDING OFFICER. Debate on the nomination is limited to 10 minutes, equally divided in the usual form.

Mr. LEAHY. Mr. President, I know that the Senate will, very soon, go to a vote on another judge. It is March. For those who are keeping track, that makes the sixth judge confirmed this year in the third month. Let me see, three into six, as I recall, goes twice. So that's two judges a month. I don't want to strain the capabilities of the U.S. Senate, but there are 85 vacancies. There are 85 vacancies and now, in March, we will confirm the sixth Federal judge.

Justice denied is justice lost.

We are not seeing our responsibility to the Federal judiciary. As long as the Senate maintains a stall on the confirmation of Federal judges, we are not being responsible, we are not even upholding our oath of office. I commend the distinguished chairman of the Senate Judiciary Committee for getting another judge here to be confirmed. I ask the Senate to remember that we

have responsibilities to the Constitution, and we have a responsibility to the integrity and independence of the third branch of Government. We are not fulfilling it.

Mr. President, I am going to withhold the rest of my time because the distinguished chairman is not here.

I ask unanimous consent that the Senate be allowed to withhold its time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum, with the time not charged against either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. It is my understanding, Mr. President, that the ranking member of the committee would like to make some comments. I suggest he proceed.

Mr. LEAHY. Mr. President, how much time is there for the Senator from Vermont?

The PRESIDING OFFICER. Each side has 5 minutes.

Mr. LEAHY. I certainly won't take any more than that.

Mr. CHAFEE. I suggest then that the Senator have 5 minutes, and then, if a Member from this side wishes 5 minutes thereafter, we will face that problem then. So why don't we have 5 minutes for the Senator from Vermont?

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I understand that I am taking 5 minutes that was there for me in any event. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. LEAHY. Mr. President, I am delighted that the Senate has decided to take up the nomination of Richard L. Young to the U.S. District Court for the Southern District of Indiana.

This is one of seven judicial nominations that is currently pending before the Senate. I spoke a little earlier this afternoon about this.

I want to note that, unfortunately, the Senate continues to pass over the nominations of G. Patrick Murphy for a vacancy on the Federal bench of the Southern District of Illinois and Michael P. McCluskey for a judicial emergency vacancy on the Federal bench for the Central District of Illinois.

Nor is the Senate today taking action on the nomination of Edward Shea to the Federal bench for the Eastern District of Washington, Judge Jeremy Fogel to the judicial emergency vacancy on the Federal bench for the

Northern District of California or Margaret McKeown to a judicial emergency vacancy on the U.S. Court of Appeals for the Ninth Circuit.

Judge Young has been with the Vandenberg Circuit Court of Indiana since 1990. After Senator LUGAR came to the Judiciary Committee to testify in his behalf, Judge Young was reported by the Committee without a single dissenting vote. The American Bar Association gave Judge Young its highest rating.

I believe there will be a unanimous vote in support of this nomination and want to congratulate him and his family.

The Senate returns this week facing 85 Federal court vacancies—85. Despite the Senate's dismal record for 2 years running in acting on judicial nominations, I finally saw reason to hope that the extremism that has bedeviled this process might be losing a tiny bit—a tiny bit—of its hold on the Senate.

Few nominees have been targeted as heavily for defeat as was Margaret Morrow, a superbly qualified nominee for a district court judgeship in Southern California. She endured waves of questions, protracted stalling and mysterious holds that prevented an up-or-down vote. Finally, 2 years after she was nominated, she got an overwhelming, super majority, positive vote here in the Senate. I wanted to take that as a signal that public concerns about these logjams were beginning to register with the Senate.

But, unfortunately, that nomination was the last nomination confirmed by the Senate in February. We closed out our first 2 months this year with only five confirmations for article III judges.

Chief Justice William Rehnquist spoke forcefully on the judicial vacancy crisis that is plaguing the Federal courts. He warned: "Vacancies cannot remain at such high levels indefinitely without eroding the quality of justice that traditionally has been associated with the Federal judiciary."

Justice delayed means justice denied, because without judges courts cannot try cases, sentence the guilty or resolve civil disputes. Partisan and narrow ideological efforts to impose political litmus tests on judicial nominees and to shut down the judiciary must stop.

We began this year facing vacancies in about one out of every 10 judgeships, and about one-third were judicial emergency vacancies which have been empty for more than a year and a half.

Mr. President, if all we are going to do so far is two judges a month, and we have 85 vacancies, the Senate is not living up to its responsibilities. The Senate is not upholding the Constitution of the United States and not fulfilling our responsibilities to the judicial branch or the American people.

The first week of this session I challenged the Senate to maintain the pace

that it reached last fall when we confirmed 27 judges in the last nine weeks of the session. In the first four weeks of this new session, however, we have acted to confirm only five judges. Judge Young will be the sixth judge confirmed in this our fifth week in session. We are well short of the mark and not measuring up to the pace this very Senate attained last fall. I, therefore, urge the Majority Leader to take up the nominations of G. Patrick Murphy, Michael P. McCluskey, Edward F. Shea, Jeremy D. Fogel and M. Margaret McKeown without further delay.

Mr. President, I withhold my time remaining, and, if we are ready to go for a vote, I will yield it.

Mr. CHAFEE. Mr. President, we have time on this side. I am prepared to yield all that time and go to a vote.

Mr. LEAHY. I yield time on this side.

The PRESIDING OFFICER. All time is yielded. The question is, Will the Senate advise and consent to the nomination of Richard L. Young to be United States District Judge for the Southern District of Indiana? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Utah (Mr. BENNETT), the Senator from New York (Mr. D'AMATO), the Senator from North Carolina (Mr. FAIRCLOTH), the Senator from North Carolina (Mr. HELMS), the Senator from Oklahoma (Mr. INHOFE), the Senator from Alaska (Mr. MURKOWSKI), the Senator from Oklahoma (Mr. NICKLES), the Senator from Alabama (Mr. SHELBY), the Senator from Maine (Ms. SNOWE), and the Senator from Virginia (Mr. WARNER) are necessarily absent.

Mr. FORD. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from California (Mrs. BOXER), the Senator from Georgia (Mr. CLELAND), the Senator from North Dakota (Mr. DORGAN), the Senator from Massachusetts (Mr. KERRY), the Senator from Nebraska (Mr. KERREY), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Maryland (Ms. MIKULSKI), and the Senator from Illinois (Ms. MOSELEY-BRAUN) are necessarily absent.

The PRESIDING OFFICER (Mr. GRAMS). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 81, nays 0, as follows:

[Rollcall Vote No. 18 Ex.]

YEAS—81

Abraham	Burns	DeWine
Akaka	Byrd	Dodd
Allard	Campbell	Domenici
Ashcroft	Chafee	Durbin
Baucus	Coats	Enzi
Bingaman	Cochran	Feingold
Bond	Collins	Feinstein
Breaux	Conrad	Ford
Brownback	Coverdell	Frist
Bryan	Craig	Glenn
Bumpers	Daschle	Gorton

Graham	Kohl	Roberts
Gramm	Kyl	Rockefeller
Grams	Lautenberg	Roth
Grassley	Leahy	Santorum
Gregg	Levin	Sarbanes
Hagel	Lieberman	Sessions
Harkin	Lott	Smith (NH)
Hatch	Lugar	Smith (OR)
Hollings	Mack	Specter
Hutchinson	McCain	Stevens
Hutchison	McConnell	Thomas
Inouye	Moynihan	Thompson
Jeffords	Murray	Thurmond
Johnson	Reed	Torricelli
Kempthorne	Reld	Wellstone
Kennedy	Robb	Wyden

NOT VOTING—19

Bennett	Helms	Murkowski
Biden	Inhofe	Nickles
Boxer	Kerry	Shelby
Cleland	Kerry	Snowe
D'Amato	Landrieu	Warner
Dorgan	Mikulski	
Faircloth	Moseley-Braun	

The nomination was confirmed. The PRESIDING OFFICER. If there is no objection, the motion to reconsider is laid on the table, and the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

MORNING BUSINESS

Mr. MCCAIN. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL SAFE PLACE WEEK

Mr. CRAIG. Mr. President, I would like to take this opportunity to commend my colleagues on adopting Senate Resolution 96, which designates March 15 through 21 of this year as "National Safe Place Week."

Project Safe Place is a unique union of community agencies and the private sector that promotes the well-being of our nation's youth. It is an innovative network of nonresidential community locations where youth who are at-risk or in crisis situations can obtain help quickly and find shelter if necessary. Safe Place cultivates community involvement to combat child abuse, substance addiction, and crime.

Since its creation in 1983 in Louisville, Kentucky, the scope of Project Safe Place has spread to include more than 8,000 Safe Places nationwide, and more than 27,000 young people have sought help at these locations. We all agree that our nation's youth are our most valuable resource. Project Safe Place volunteers have been quietly tending to this resource for fifteen years, offering help to youth who are threatened or in trouble. The recognition Project Safe Place deserves is long overdue.

Senate Resolution 96 celebrates this outstanding program and also honors the efforts of over 2,500 dedicated Safe Place volunteers, who selflessly devote time and resources to protect our nation's young people. Two of these individuals—Sandy Bowen, the National Safe Place Director, and Mickie Adler, who has spearheaded Safe Place efforts in the state of Idaho—have been instrumental in making "National Safe Place Week" a reality.

Sandy Bowen has been involved with Project Safe Place for 13 years. When the program began to gain momentum and become a nationwide effort in 1986, Sandy stepped in as the National Director. Over the years, her hard work, dedication, and concern have helped to bring Project Safe Place out of its infancy, transforming a simple idea into a nationwide force that is now present in over 300 of our communities.

Mickie Adler has been the driving force behind the Safe Place movement in Idaho for four years. In fact, this month marks the four-year anniversary of Safe Place in Idaho. Last year, Mickie brought three students to my Washington office to sell me on the idea of a "National Safe Place Week." Victoria Smith, Caroline Reams, and Jessica McCaleese—all of whom are either High School or Junior High School students from Bannock County—were articulate and poised as they conveyed the idea of promoting Project Safe Place. I would like to take this opportunity to thank these fine young ladies for bringing their ideas to my attention.

Mickie first got involved with the Safe Place movement after Jerelee Underwood, an eleven year old girl, was abducted in Southeast Idaho. She committed herself at that time to preventing future violence against Idaho's children by initiating the first Safe Place site in Idaho four years ago. Since that time, Project Safe Place in Idaho has expanded to include 250 Safe Places in Bannock County—including my regional office there—and 18 sites in the Twin Falls area. Mickie has recently been called upon to implement the program statewide, with new Safe Places to be added in Coeur d'Alene, Burley, Caldwell and Idaho Falls. I want to do my part by offering each of my Idaho offices as Safe Place sites. I encourage my colleagues to do the same nationwide.

There are thousands of people just like Mickie and Sandy who work hard every day because they care too much to let our children endure difficult times alone and without guidance. In part, "National Safe Place Week" will serve to honor and recognize these humanitarians.

More than that, though, "National Safe Place Week" will build community awareness, increasing not only the number of young people the program might help, but also the number of

those who themselves might contribute to the effectiveness of the program. As a father, a grandfather, and a concerned citizen, I would like to personally extend a sincere and heart-felt "thank-you" to all those who make Project Safe Place such a successful program. And, to my colleagues in the Senate: Thank you for working with me on this resolution. If passage of "National Safe Place Week" helps only one more youth by keeping him or her from turning to drugs, suicide, or the streets, then I know that our time in passing Senate Resolution 96 will have been well spent.

REPORT OF THE 1998 TRADE POLICY AGENDA AND 1997 ANNUAL REPORT ON THE TRADE AGREEMENTS PROGRAM—MESSAGE FROM THE PRESIDENT—PM 101

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance.

To the Congress of the United States:

As required by section 163 of the Trade Act of 1974, as amended (19 U.S.C. 2213), I transmit herewith the 1998 Trade Policy Agenda and 1997 Annual Report on the Trade Agreements Program.

WILLIAM J. CLINTON.

THE WHITE HOUSE, February 28, 1998.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JEFFORDS, from the Committee on Labor and Human Resources, with amendments:

S. 1579. A bill to amend the Rehabilitation Act of 1973 to extend the authorizations of appropriations for such Act, and for other purposes (Rept. No. 105-166).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. COVERDELL:

S. 1694. A bill to suspend temporarily the duty on certain textile machines; to the Committee on Finance.

By Mr. CAMPBELL (for himself and Mrs. HUTCHISON):

S. 1695. A bill to establish the Sand Creek Massacre National Historic Site in the State of Colorado; to the Committee on Energy and Natural Resources.

By Mr. STEVENS (for himself, Mr. MURKOWSKI, Mr. GORTON, and Mrs. MURRAY):

S. 1696. A bill to direct the General Services Administration to clear the site of the old Alaska Native Health Center and convey the property to the Municipality of Anchorage; to the Committee on Governmental Affairs.

By Mr. KENNEDY (for himself, Mr. KERRY, Mr. AKAKA, and Mr. REED):

S. 1697. A bill to amend the Child Care and Development Block Grant Act of 1990 to improve the availability of child care and development services during periods outside normal school hours, and for other purposes; to the Committee on Labor and Human Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MACK (for himself, Mr. WELLSTONE, Mr. HELMS, Mr. THOMAS, Mr. FEINGOLD, Mr. ABRAHAM, Mrs. BOXER, Mr. MOYNIHAN, and Mr. ASHCROFT):

S. Res. 187. A resolution expressing the sense of the Senate regarding the human rights situation in the People's Republic of China; to the Committee on Foreign Relations.

By Mr. SPECTER:

S. Con. Res. 78. A concurrent resolution relating to the indictment and prosecution of Saddam Hussein for war crimes and other crimes against humanity; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CAMPBELL (for himself and Mrs. HUTCHISON):

S. 1695. A bill to establish the Sand Creek Massacre National Historic Site in the State of Colorado; to the Committee on Energy and Natural Resources.

THE SAND CREEK MASSACRE NATIONAL HISTORIC SITE PRESERVATION ACT OF 1998

Mr. CAMPBELL. Madam President, today I introduce legislation that is very, very special to me, and which in my opinion is a long time in coming to this Nation, to the State of Colorado, and particularly to my own ancestors. This bill is entitled the Sand Creek Massacre Site Historic Preservation Act of 1998. This legislation would authorize the Federal acquisition of property located within Kiowa County, CO, designated as a point of interest on virtually every map in this Nation and infamously known as the site of the "Sand Creek Massacre."

Today, this property is owned by a private individual, who has strong interest in selling the land. The bill I introduce today would authorize the National Park Service to acquire this land for fair market value in compliance with the agency's standard rules and regulations. My bill would permit full public access to this hallowed site to the public, and more importantly to the descendants of those who lost their lives at Sand Creek.

To provide some perspective, I would like to briefly explain the historical facts surrounding one of the most disgraceful events in American history—the Sand Creek Massacre.

During the early morning hours on the shameful day of November 29, 1864, a Colonel in the Colorado Militia, a religious zealot by the name of John Chivington, led a regiment of Colorado Volunteers to the Cheyenne's Sand Creek campsite, where a band of Cheyenne led by Black Kettle, a well-known "peace" chief, was encamped and unsuspecting of his fate forthcoming on this date. Federal army officers had promised Black Kettle safe passage if he would stay at his campsite and fly the American flag along with a white flag of truce over his lodge, but Colonel Chivington disregarded that flag, and ordered an attack anyway on the unsuspecting village. After many hours of brutal and cowardly fighting, the Colorado volunteers lost only nine men in the fight but managed to murder over 200 Cheyenne, most of them innocent and unarmed women and children. Most men were out hunting and were not in camp. When the skirmish ended, the Colorado volunteers scalped and sexually mutilated many of the bodies of my people, proudly displaying their trophies to cheering crowds in the streets of Denver while desecrating the Cheyenne Heritage.

One report said that Colonel Chivington admonished his soldiers to kill the babies in the camp because, according to him, "nits make lice."

Many of these facts are not disputed. Congress held an inquiry, in fact, after that fatal date and heard extensive testimony on the actions of Colonel Chivington, resulting in a discharge of both him and then territorial Governor Evans. But since Colonel Chivington's unit was not a regular Army unit but rather a Colorado militia which soon disbanded after the fateful day, not one of the people were ever brought to justice.

Mr. President, this description of the events cannot begin to describe the horror that must have taken place on that day. But this bill authorizes our Government to preserve a significant piece of history that I believe is needed to remind us not just of the horrible deeds that took place in this country to many people in our history, but to the Native Americans, and to honor that memory. In fact, at Bent Fort, a national historic site just about 30 miles from the location of the massacre, National Park officials tell me that the single most asked question at the fort is, Where was the Sand Creek massacre located?

I believe that with this property being considered for sale, a rare opportunity exists for us to save an important piece of American history. We should move forward and try, through whatever means we can, to acquire this very sacred site. This action will provide remembrance of the event, allow present and future generations of Americans to learn from our history, which includes much more glory than disgrace.

In closing, I do not know of anybody of my own ancestry who did not have a relative at that terrible place.

I urge my colleagues to support this very important preservation piece.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1695

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sand Creek Massacre National Historic Site Preservation Act of 1998".

SEC. 2. SAND CREEK MASSACRE.

(a) FINDINGS.—Congress finds that—

(1) on November 29, 1864, Colonel John M. Chivington led a group of 700 armed soldiers to the Sand Creek Indian Reservation located within the Territory of Colorado, and slaughtered between 200 and 500 Cheyenne and Arapaho Indians, the majority of whom were women and children;

(2) a private landowner currently holds title to the land that constitutes the site of the Sand Creek Massacre and is a voluntary and willing seller of the land;

(3) the site is of great significance to the Cheyenne and Arapaho Indian descendants of those who lost their lives at the incident at Sand Creek, and those descendants deserve the right of unfettered visitation to the site.

(b) DEFINITIONS.—In this section:

(1) NATIONAL HISTORIC SITE.—The term "National Historic Site" means the Sand Creek Massacre National Historic Site established by subsection (c).

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the National Park Service.

(c) ESTABLISHMENT.—To provide for the preservation and interpretation of the Sand Creek Massacre, there is established the Sand Creek Massacre National Historic Site in the State of Colorado.

(d) BOUNDARY.—

(1) IN GENERAL.—The National Historic Site shall consist of such land and interests in land in Kiowa County, Colorado, as the Secretary may acquire under subsection (f) at the site of the Sand Creek Massacre in Kiowa County, Colorado.

(2) MAP AND LEGAL DESCRIPTION.—The Secretary shall prepare a map and legal description of the land and interests in land described in paragraph (1).

(3) PUBLIC AVAILABILITY.—The map and legal description prepared under paragraph (2) shall be on file in the offices of the Director of the National Park Service, Department of the Interior, and other appropriate offices of the National Park Service.

(4) BOUNDARY REVISION.—The Secretary may, from time to time, make minor revisions in the boundary of the National Historic Site in accordance with section 7(c) of the Land and Water Conservation Act of 1965 (16 U.S.C. 460l-9(c)).

(e) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary shall manage the National Historic Site in accordance with this section and the law generally applicable to units of the National Park System, including the Act of August 25, 1916 (39 Stat. 535, chapter 408; 16 U.S.C. 1 et seq.), and the Act of August 21, 1935 (49 Stat. 666, chapter 593; 16 U.S.C. 461 et seq.).

(2) MANAGEMENT.—The Secretary shall manage the National Historic Site for the following purposes, among others:

(A) To protect and preserve the National Historic Site (including the topographic features important to the massacre site, artifacts and other physical remains of the massacre, and the visual scene) as closely as practicable to their condition at the time of the massacre.

(B) To interpret the cultural and natural resources of the site in a manner that promotes public understanding and appreciation of the site so as to perpetuate the qualities and values of the site for future generations.

(3) CONSULTATION AND TRAINING.—The Secretary shall consult regularly with representatives of the Cheyenne Tribe and Arapaho Tribe on the formulation of the management plan under subsection (g) and on preparation of educational programs made available to the public.

(4) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the Cheyenne Tribe and Arapaho Tribe or a subordinate board, committee, enterprise, or leader to carry out this section.

(f) ACQUISITION OF PROPERTY.—Within the boundaries of the National Historic Site, the Secretary may acquire, in accordance with applicable procedures of the Department of the Interior, land and interests in land by donation, purchase at fair market value with donated or appropriated funds, or exchange, except that—

(1) no land or interest in land within the National Historic Site may be acquired without the consent of the owner; and

(2) any land or interest in land owned by the State of Colorado or any political subdivision of the State may be acquired only by donation.

(g) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 5 years after the date on which funds are made available to carry out this section, the Secretary shall prepare a general management plan for the National Historic Site.

(2) CONTENTS.—The plan shall provide for—

(A) a resource protection program;

(B) a visitor use plan that includes programs and facilities that will be provided for public use, including the location and cost of public facilities;

(C) a research and curation plan; and

(D) a highway signing program.

(3) PARTICIPATION.—The Secretary shall encourage—

(A) participation by the Cheyenne Tribe and Arapaho Tribe in the formulation of educational programs for the National Historic Site; and

(B) participation by the State of Colorado and other local and national entities willing to share in the responsibilities of developing and supporting the National Historic Site.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

Mr. CAMPBELL. Mr. President, I ask unanimous consent that my friend and colleague from Texas, Senator HUTCHISON, be added as an original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. I am very pleased to be a cosponsor of the bill that was just introduced by my colleague from Colorado. I appreciate the fact that he is trying to preserve an important piece of history of our country. I will

be happy to work with him to make that a reality.

By Mr. STEVENS (for himself, Mr. MURKOWSKI, Mr. GORTON, and Mrs. MURRAY):

S. 1696. A bill to direct the General Services Administration to clear the site of the old Alaska Native Health Center and convey the property to the Municipality of Anchorage; to the Committee on Governmental Affairs.

THE OLD ALASKA NATIVE HEALTH CENTER
CONVEYANCE ACT OF 1998

Mr. STEVENS. Mr. President, I send to the desk for proper referral the Old Alaska Native Health Center Conveyance Act of 1998 to address a serious issue in Anchorage, Alaska.

The Federal government finished construction of the Alaska Native Hospital Center in 1953. This facility is situated on a 15-acre parcel of land near downtown Anchorage. It was substantially affected by the 1964 Alaska earthquake, but was patched up and maintained until it could be replaced. In 1997 a new Alaska Native Health Center was opened. The old facility was boarded up and abandoned after being stripped of fixtures, wiring, heating, and ventilation systems, and other components. It now awaits disposal action by the General Services Administration. The facility is unsalvageable in its present condition and is in violation of multiple safety codes. A recent environmental assessment found not only the presence of asbestos but also lead-containing paint.

Anchorage has a unique and pressing need for this site. The Port of Anchorage is the largest port in Alaska and the 17th largest in the nation—it has grown steadily in recent years, and the tonnage of goods moving through our major port is expected to continue to increase. However, truck access to the Port is limited to either a single two-lane road or through the streets of downtown Anchorage. This is a limiting factor to continued growth, and is already negatively affecting the transfer of goods on and off the domestic and international container ships that call on the Port of Anchorage. The solution is to have new access to the port through the land now occupied by the abandoned hospital center.

My bill would assist the Municipality of Anchorage with this plan by instructing the General Services Administration to clear the land and transfer it to the Municipality of Anchorage.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1696

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act shall be known as "The Old Alaska Native Health Center Conveyance Act of 1998".

SEC. 2. DEFINITIONS.

For the purposes of this Act the term "property" means the land parcel recorded as Block 35 and Lot 2 of Block 36, Anchorage Original Townsite East Addition, in Anchorage, Alaska on which the old Alaska Native Health Center is situated, but does not mean any portion of such parcel dedicated for use by the Centers for Disease Control and Prevention.

SEC. 3 FINDINGS.

The Congress finds that—

(1) the old Alaska Native Health Center was closed and vacated in 1997 when a new Alaska Native health facility was opened;

(2) the buildings and property formerly used for such Center are scheduled to be disposed of as surplus by the Administrator of the General Services Administration;

(3) asbestos and lead contamination were found in the buildings and on the property during environmental assessments;

(4) the buildings have been stripped of fixtures, wires, and other materials, and any development of the property will require the removal of the buildings and of all asbestos, lead, and other contamination; and

(5) due to the limited availability of land in the area in which the property is situated, the Municipality of Anchorage has a unique interest in its future use.

SEC. 4. REMOVAL OF BUILDINGS AND DISPOSAL OF PROPERTY.

(a) **REMOVAL OF BUILDINGS.**—Notwithstanding any other provision of law, the Administrator of the General Services Administration shall, not later than 18 months after the date of the enactment of this Act, demolish and remove all buildings, structures and other fixtures on the property, including all asbestos, lead, and any other contamination, and restore the property, to the extent practicable, to an undeveloped condition.

(b) **DISPOSAL.**—Upon completion of the activities required under subsection (a), and notwithstanding any other provision of law, the Administrator of the General Services Administration shall convey to the Municipality of Anchorage, without reimbursement, all right, title, and interest of the United States to the property.

By Mr. KENNEDY (for himself,
Mr. KERRY, Mr. AKAKA, and Mr.
REED):

S. 1697. A bill to amend the Child Care and Development Block Grant Act of 1990 to improve the availability of child care and development services during periods outside normal school hours, and for other purposes; to the Committee on Labor and Human Resources.

THE AMERICA AFTER SCHOOL ACT

Mr. KENNEDY. Mr. President, today Senators KERRY, REED, AKAKA and I are introducing the America After School Act. With this legislation, I hope that we can do more to provide the care and activities that children need when they are not in school.

Millions of parents today have no choice but to work outside the home. Over 17 million parents need someone to care for their children when the children are not in school. Many are able to find child care through friends

or family, local centers, or school-based programs. But over 5 million "latch-key" children have no such arrangements and are left home alone. Our goal in this legislation is to encourage communities to develop activities that will engage our children and keep them off the streets, away from drugs, and out of trouble.

In many cases, parents know the importance of enrolling their children in after-school programs, but cannot afford to do so. Child care costs thousands of dollars each year and is therefore out of reach for many families. Congress has responded by supporting an array of child care programs over the years, but the funding has not kept pace with the need, especially under The Welfare Reform Act which requires more and more parents each year to enter the workforce. As a result, hundreds of thousands of children are now on waiting lists for child care and after school activities. Help for these families and their children cannot come too soon.

The entire country benefits when children get the care that they need. Health costs are lower. Parents' productivity at work improves. Education costs decline when children learn to cooperate in group activities, and when they can obtain help with their homework during after-school programs. The massive costs associated with juvenile delinquency, such as injuries to people, damage to property and police, courts, and corrections—are reduced when responsible after-school activities are available. By expanding after-school programs, we literally are investing in children, their future, and the country's future.

Our legislation significantly expands after-school care, enabling more parents to choose safe, quality programs for their children. We primarily accomplish this goal by increasing the Child Care and Development Block Grants available to states, which subsidize child care for low-income families. Under Title I of this bill, we authorize a \$5 billion increase in that program over the next 5 years. This level of investment is necessary to end the waiting lists, and provide after-school care for an estimated 2 million children from low-income working families.

Communities with high concentrations of poverty and at-risk children will get priority in this funding, so that help will be available where it is needed most. No parent should have to make the cruel choice between pressing needs such as food, heat and shelter. The needs of disabled children are also specifically addressed.

Our proposal builds on the experience of the Defense Department, which operates the world's largest child care program for members of the armed services. Over the past decade, they have developed a widely acclaimed model program. They have found that child-

care quality is most effectively achieved through salary incentives tied to training. We get what we pay for. Child care workers are notoriously underpaid in today's society. Stronger incentives are needed in order to develop and retain a quality child care workforce. Our bill designates 25% of the block-grant increases for indirect services that include salary incentives tied to training for those who provide care.

In addition, our bill enacts President Clinton's proposal to expand 21st Century Learning Centers which have proved highly successful in using schools as places where members of the community can engage in continuing education, recreation, community building activities and others. This program now only serves 100,000 children nationwide. Our bill contains a five-fold increase in grants by the Department of Education to local public schools. Under this increase, 500,000 more children will be able to participate in school-based programs before and after school.

This bill also provides \$1.25 billion over the next 5 years to expand grants by the Justice Department for after-school programs to prevent juvenile crime. Public and private agencies may apply for these grants, and awards will be made on a matching basis. Recipients must coordinate their efforts with State or local law enforcement to achieve maximum effectiveness in fighting crime. After-school educational and recreational programs in high crime neighborhoods will receive priority since children in these inner city neighborhoods face the highest risks.

Hundreds of police chiefs, prosecutors, and crime victims have created an organization called "Fight Crime: Invest in Kids," dedicated to promoting increased Federal investment in after-school programs. A 1995 National League of Cities survey reported that 92 percent of respondents rank before- and after-school care as one of the most pressing needs for children and families—ahead of crime, welfare reform, education, housing and drug abuse. Over 70 percent of people recently surveyed by the Children's Defense Fund—Democrats and Republicans, women and men, young and old alike—believe that revenues from tobacco companies should be invested in child care programs. Hundreds of thousands of parents have put their children's names on waiting lists for child care and after school activities. The need is urgent and widespread, and Congress has a responsibility to act.

The America After School Act, can be effective in meeting these needs and I urge the Senate to approve it.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1697

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "America After School Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) children spend less than 20 percent of their waking hours in school, and their activities during the remaining 80 percent of these hours have a critical impact on their long-term success in school and work;

(2) approximately 24,000,000 children require care after school while their parents work;

(3) during 1991—

(A) there were 36,700,000 school-age children in the United States;

(B) approximately 21,200,000 of the children described in subparagraph (A) lived with working mothers (including mothers seeking employment) and 999,000 lived with mothers who were enrolled in school; and

(C) approximately 912,000 of the children described in subparagraph (A) lived with single working fathers, 61,000 with single unemployed fathers, and 9,000 with single fathers who were enrolled in school;

(4) the General Accounting Office estimates that the current supply of child care for school-age children will meet as little as 25 percent of the demand in some urban areas by 2002;

(5) children who attend quality after-school programs while their parents work—

(A) experience positive effects on their development;

(B) have better peer relations, emotional adjustment, grades, and conduct in school than their peers in other care arrangements;

(C) have more learning opportunities and enrichment activities than their peers in other care arrangements; and

(D) are less likely to engage in juvenile delinquent activity;

(6)(A) most juvenile delinquent activity occurs between 3 p.m. and 8 p.m.; and

(B) from 1988 to 1992, juvenile arrests for violent acts increased by 50 percent;

(7) survey data confirms public support for expansion of programs to assist school-age children, as evidenced by the fact that the need for child care, including before- and after-school care, was rated as one of the most pressing needs for children and families by 92 percent of respondents to a 1995 National League of Cities survey, ranking as the highest rated need in the survey, which inquired about crime prevention, welfare reform, education, housing, family stability, drug and alcohol abuse prevention, and a host of other issues;

(8) 1996 survey data indicate that parents overwhelmingly support using school-based after-school programs for learning and enrichment programs, but 70 percent of all public elementary schools do not offer such programs; and

(9) parents want more than babysitting from after-school programs, and computer classes, art and music courses, tutoring, and community service activities rank high among parental choices for activities for after-school programs.

TITLE I—CHILD CARE AND DEVELOPMENT SERVICES**SEC. 101. DEFINITIONS.**

The Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.) is amended—

(1) by redesignating section 658P (42 U.S.C. 9858n) as section 658T;

(2) by moving such section 658T to the end of such Act; and

(3) in such section 658T—

(A) in paragraph (4), by adding at the end the following:

"The term 'eligible child', used with respect to child care and development services, means a school age child."; and

(B) by adding at the end the following:

"(15) CHILD CARE; CHILD CARE SERVICES.—The terms 'child care' and 'child care services' include child care and development services.

"(16) CHILD CARE AND DEVELOPMENT SERVICES.—The term 'child care and development services' means services described in section 658H(f).

"(17) CHILD WITH A DISABILITY.—The term 'child with a disability' has the meaning given the term in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401).

"(18) ELEMENTARY SCHOOL; SECONDARY SCHOOL.—The terms 'elementary school' and 'secondary school' have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

"(19) SCHOOL AGE CHILD.—The term 'school age child' means an individual who—

"(A)(i) is not less than 5 and not more than 15 years of age; or

"(ii) at the election of the State involved, is less than 5 years of age; and

"(B) meets the requirements of subparagraphs (B) and (C) of paragraph (4)."

SEC. 102. AUTHORIZATION OF APPROPRIATIONS.

Section 658B of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858) is amended—

(1) by striking "There is" and inserting

"(a) IN GENERAL.—There is";

(2) by striking "this subchapter" and inserting "this subchapter (other than section 658H)"; and

(3) by adding at the end the following:

"(b) PROGRAMS FOR CHILD CARE AND DEVELOPMENT SERVICES.—There is authorized to be appropriated and there is appropriated to carry out section 658H, \$1,000,000,000 for each of fiscal years 1999 through 2003."

SEC. 103. STATE PLAN.

Section 658E(c) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858e(c)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A)—

(i) in clause (i)(II), by striking "section 658P(2)" and inserting "section 658T(2)"; and

(ii) in clause (ii), by striking "eligible provider" and inserting "eligible child care provider (or, in the case of child care and development services, an entity described in section 658H(c))"; and

(B) in the first sentence of subparagraph (E)(i)—

(i) by inserting after "within the State" the following "(or, in the case of child care and development services, other appropriate requirements)"; and

(ii) by striking "such requirements" each place it appears and inserting "such licensing or appropriate requirements"; and

(2) in paragraph (3)—

(A) in subparagraph (A), by striking "(D)" and inserting "(E)"; and

(B) by adding at the end the following:

"(E) PROGRAMS FOR CHILD CARE AND DEVELOPMENT SERVICES.—

"(i) IN GENERAL.—The State plan shall provide that the State will reserve the portion described in clause (ii) of the State allotment under section 658O for each fiscal year to carry out activities under section 658H.

"(ii) PORTION.—For each fiscal year, the portion referred to in clause (i) is the amount that bears the same relationship to the State allotment for that year as the amount appropriated under section 658B(b) for that year bears to the total amount appropriated under section 658B for that year."

SEC. 104. CHILD CARE AND DEVELOPMENT SERVICES.

The Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.) is amended by inserting after section 658G the following:

"SEC. 658H. CHILD CARE AND DEVELOPMENT SERVICES.

"(a) PURPOSE.—It is the purpose of this section to fund quality child care and development services, including direct services provided outside of normal school hours, to promote the health and academic achievement of school age children, and assist the children in avoiding high risk behaviors.

"(b) IN GENERAL.—Each State that receives funds to carry out this subchapter for a fiscal year shall use the funds reserved as described in section 658E(c)(3)(E) to make grants to eligible entities to carry out programs to expand the availability and affordability of quality child care and development services, including direct services provided outside of normal school hours (including before- and after-school care and weekend, holiday, and summer care) for school age children.

"(c) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall be—

"(1) an elementary school or secondary school; or

"(2) a community-based organization, including a community-based entity that operates a child care center or youth center or is a family child care provider, that meets such requirements of the type described in subparagraphs (E) and (F) of section 658E(c)(3) as the State and local governments involved may prescribe.

"(d) APPLICATION.—To be eligible to receive a grant under this section, an entity shall submit an application to the State at such time, in such manner, and containing such information as the State may require. At a minimum, each application shall contain—

"(1) information demonstrating the manner in which the entity will carry out a program described in subsection (b) in a manner that meets the needs, of the community to be served, for child care and development services, including direct services provided outside of normal school hours;

"(2) an assurance that the entity will carry out direct services provided through the program during—

"(A) at least 3 days in each week that the program operates, and for at least 3 hours on each day that the program operates; or

"(B) at least 10 hours in each week that the program operates;

"(3) information demonstrating the manner in which the entity will serve children with disabilities; and

"(4) information demonstrating the manner in which the entity will carry out the planning, establishment, implementation, and evaluation of the program, and provide staff training for the program, in coordination with other entities carrying out programs for children or public transportation programs in the community.

"(e) PREFERENCE.—In making grants under this section, a State shall give preference to entities that—

"(1) serve communities with—

"(A) a high rate of poverty, as determined in accordance with criteria established by the Secretary; and

"(B) a high incidence of at-risk children; and

"(2) propose programs that make transportation services available to the children served, if needed to enable the children to receive other services described in this section, using transportation provided under other public programs in the community, such as transportation provided under the Head Start Act (42 U.S.C. 9831 et seq.), or under programs providing services to older individuals, educational programs, or public transportation programs.

"(f) USE OF FUNDS.—

"(1) IN GENERAL.—An entity that receives a grant under this section shall use the funds made available through the grant to provide—

"(A) direct services outside of normal school hours;

"(B) quality services; and

"(C) indirect services.

"(2) DIRECT SERVICES AND RELATED QUALITY SERVICES.—

"(A) IN GENERAL.—The entity shall use not less than 75 percent of the funds described in paragraph (1) to provide two or more of the direct services described in subparagraph (B) to school age children and to carry out related quality services.

"(B) DIRECT SERVICES.—The direct services referred to in subparagraph (A) consist of—

"(i) recreational activities;

"(ii) community-based service programs that provide for meaningful human, educational, environmental, or public safety service;

"(iii) academic assistance and tutoring;

"(iv) mentoring;

"(v) conflict management;

"(vi) health and nutrition services, including disease and injury prevention services;

"(vii) literacy services;

"(viii) child care (other than another service described in this subsection); and

"(ix) transportation of school age children between—

"(I) school or home; and

"(II) the facility in which the services are provided.

"(C) QUALITY SERVICES.—The quality services referred to in subparagraph (A) consist of—

"(i) provision of community-based training, related to the provision of direct services, for staff of the entity, at times and in locations that are accessible to the staff;

"(ii) provision of financial assistance to the staff to attend courses at an institution of higher education that are related to the provision of direct services;

"(iii) provision of financial assistance to staff to promote staff retention;

"(iv) provision of financial assistance to enable the child care and development services program provided by the entity to obtain accreditation by a nationally recognized accreditation organization;

"(v) data collection relating to direct services, including the collection of data described in paragraphs (1)(B) and (2) of section 658K(a) for family units receiving assistance under this section, and submission of the data to the State for inclusion in the reports described in section 658K(a)(2); and

"(vi) evaluation of the child care and development services provided by the entity in accordance with criteria determined by the State, and participation in audits described in section 658K(b).

"(3) INDIRECT SERVICES.—

"(A) IN GENERAL.—The entity shall use not more than 25 percent of the funds described in paragraph (1) to provide indirect services that support the sustainability of the direct services and the accountability of entities carrying out the direct services.

"(B) SERVICES.—The indirect services referred to in subparagraph (A) may include—

"(i) carrying out activities to provide increased compensation to staff who provide the direct services to school age children outside of normal school hours and who participate in appropriate training;

"(ii) developing and maintaining electronic databases of providers who provide the direct services outside of normal school hours, and making the information in the databases available to the public through arrangements with elementary schools, secondary schools, public libraries, community-based agencies, and other public agencies;

"(iii) conducting community needs assessments to determine the need for direct services outside of normal school hours; and

"(iv) constructing, maintaining, and improving facilities, and purchasing equipment for facilities, in which school age children receive direct services outside of normal school hours.

"(g) DEFINITIONS.—In this section:

"(1) DIRECT SERVICES.—The term 'direct services' means the services described in subsection (f)(2)(B).

"(2) INDIRECT SERVICES.—The term 'indirect services' means the services described in subsection (f)(3).

"(3) QUALITY SERVICES.—The term 'quality services' means the services described in subsection (f)(2)(C)."

SEC. 105. CONFORMING AMENDMENTS.

(a) FACILITIES.—Section 658F(b) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858d(b)(1)) is amended—

(1) in paragraph (1), by striking "section 658O(c)(6)" and inserting "section 658H or 658O(c)(6)"; and

(2) in paragraph (2), by inserting before "except" the following: "except as provided in section 658H and".

(b) QUALITY ACTIVITIES.—Section 658G of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858e) is amended by striking "this subchapter" and inserting "this subchapter (other than section 658H)".

(c) REDESIGNATION.—Section 658K of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858i) is amended, in subsection (a)(2)(A), by striking "section 658P(5)" and inserting "section 658T(5)".

(d) CONSTRUCTION.—Section 658O(c)(6) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858m(c)(6)) is amended by inserting "(other than the amounts provided to carry out section 658H)" after "this subsection" each place it appears.

TITLE II—STRENGTHENING THE 21ST CENTURY COMMUNITY LEARNING CENTERS ACT

SEC. 201. PROGRAM AUTHORIZATION.

Section 10903 of the 21st Century Community Learning Centers Act (20 U.S.C. 8243) is amended—

(1) in subsection (a)—

(A) in the subsection heading, by inserting "TO LOCAL EDUCATIONAL AGENCIES FOR SCHOOLS" after "SECRETARY"; and

(B) by striking "rural and inner-city public" and all that follows through "or to" and inserting "local educational agencies for the support of public elementary schools or secondary schools, including middle schools, that serve communities with substantial

needs for expanded learning opportunities for children and youth in the communities, to enable the schools to establish or"; and

(C) by striking "a rural or inner-city community" and inserting "the communities";

(2) in subsection (b)—

(A) by striking "States, among" and inserting "States and among"; and

(B) by striking "United States," and all that follows through "a State" and inserting "United States"; and

(3) in subsection (c), by striking "3" and inserting "5".

SEC. 202. APPLICATIONS.

Section 10904(a) of such Act (20 U.S.C. 8244(a)) is amended—

(1) in the first sentence, by striking "an elementary or secondary school or consortium" and inserting "a local educational agency";

(2) in paragraph (1), by striking "or consortium";

(3) in paragraph (2), by striking "and" after the semicolon;

(4) in paragraph (3)—

(A) in subparagraph (D), by striking "or consortium"; and

(B) in subparagraph (E)—

(i) in the matter preceding clause (i), by striking "or consortium"; and

(ii) in clause (ii), by striking the period and inserting a semicolon;

(5) by adding at the end the following:

"(4) information demonstrating that the local educational agency will—

"(A) provide not less than 50 percent of the annual cost of the activities assisted under the project from sources other than funds provided under this part, which contribution may be provided in cash or in kind, fairly evaluated;

"(B) provide not more than 25 percent of the annual cost of the activities assisted under the project from funds provided by the Secretary under other Federal programs that permit the use of those other funds for activities assisted under the project; and

"(C) subject to subparagraph (B), in the fourth and fifth years of a local educational agency's project, increase the percentage of the annual cost of activities assisted under the project that is paid for from sources other than the funds provided under this part; and

"(5) an assurance that the local educational agency, in each year of the project, will maintain the agency's fiscal effort, from non-Federal sources, from the preceding fiscal year for the activities the local educational agency provides with funds provided under this part."; and

(6) in the matter preceding paragraph (1), by striking "Each such" and inserting the following:

"(b) CONTENTS.—Each such".

SEC. 203. USES OF FUNDS.

Section 10905 of such Act (20 U.S.C. 8245) is amended by striking "may be used" and all that follows through "four" and inserting "shall be used to establish or expand community learning centers that provide activities which offer expanded learning opportunities for children and youth in the community (such as activities conducted before or after school) and which may include any".

SEC. 204. CONTINUATION AWARDS UNDER CURRENT STATUTE.

Such Act (20 U.S.C. 8241 et seq.) is further amended—

(1) by redesignating sections 10906 and 10907 as sections 10907 and 10908, respectively; and

(2) by inserting after section 10906 the following:

"SEC. 10907. CONTINUATION AWARDS.

"Notwithstanding any other provision of law, the Secretary may use funds appropriated under this part to make payments under this part for projects that were funded under this part for fiscal year 1998, under the terms and conditions that applied to the original grants for the projects."

SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

Section 10908 of such Act (as redesignated by section 204(1)) (20 U.S.C. 8247) is amended by striking "\$20,000,000 for fiscal year 1995" and inserting "\$200,000,000 for fiscal year 1999".

SEC. 206. EFFECTIVE DATE.

This title, and the amendments made by this title, shall take effect on October 1, 1998.

TITLE III—CRIME PREVENTION PROGRAM**SEC. 301. GRANTS TO PUBLIC AND PRIVATE AGENCIES.**

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended—

- (1) by redesignating the second part designated as part I as part K; and
- (2) by inserting after the first part designated as part I the following:

"PART J—AFTER SCHOOL CRIME PREVENTION

"SEC. 292. GRANTS TO PUBLIC AND PRIVATE AGENCIES FOR EFFECTIVE AFTER SCHOOL CRIME PREVENTION PROGRAMS.

"(a) IN GENERAL.—Subject to the availability of appropriations, the Administrator shall make grants in accordance with this section to public and private agencies to fund effective after school juvenile crime prevention programs.

"(b) MATCHING REQUIREMENT.—The Administrator may not make a grant to a public or private agency under this section unless that agency agrees that, with respect to the costs to be incurred by the agency in carrying out the program for which the grant is to be awarded, the agency will make available non-Federal contributions in an amount that is not less than a specific percentage of Federal funds provided under the grant, as determined by the Administrator.

"(c) PRIORITY.—In making grants under this section, the Administrator shall give priority to funding programs that—

- "(1) are targeted to high crime neighborhoods or at-risk juveniles;
- "(2) operate during the period immediately following normal school hours;
- "(3) provide educational or recreational activities designed to encourage law-abiding conduct, reduce the incidence of criminal activity, and teach juveniles alternatives to crime; and

"(4) coordinate with State or local juvenile crime control and juvenile offender accountability programs.

"(d) FUNDING.—There are authorized to be appropriated for grants under this section \$250,000,000 for each of fiscal years 1999, 2000, 2001, 2002, and 2003."

ADDITIONAL COSPONSORS

S. 71

At the request of Mr. DASCHLE, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 71, a bill to amend the Fair Labor Standards Act of 1938 and the Civil Rights Act of 1964 to provide more effective remedies to victims of discrimination in the payment of

wages on the basis of sex, and for other purposes.

S. 348

At the request of Mr. MCCONNELL, the name of the Senator from Illinois (Ms. MOSELEY-BRAUN) was added as a cosponsor of S. 348, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to encourage States to enact a Law Enforcement Officers' Bill of Rights, to provide standards and protection for the conduct of internal police investigations, and for other purposes.

S. 412

At the request of Mr. THURMOND, his name was withdrawn as a cosponsor of S. 412, a bill to provide for a national standard to prohibit the operation of motor vehicles by intoxicated individuals.

S. 656

At the request of Mr. WARNER, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 656, a bill to amend the Fair Labor Standards Act of 1938 to exclude from the definition of employee firefighters and rescue squad workers who perform volunteer services and to prevent employers from requiring employees who are firefighters or rescue squad workers to perform volunteer services, and to allow an employer not to pay overtime compensation to a firefighter or rescue squad worker who performs volunteer services for the employer, and for other purposes.

S. 1260

At the request of Mr. GRAMM, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from Georgia (Mr. COVERDELL) were added as cosponsors of S. 1260, a bill to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 to limit the conduct of securities class actions under State law, and for other purposes.

S. 1305

At the request of Mr. GRAMM, the names of the Senator from New York (Mr. D'AMATO) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. 1305, a bill to invest in the future of the United States by doubling the amount authorized for basic scientific, medical, and pre-competitive engineering research.

S. 1334

At the request of Mr. BOND, the names of the Senator from Oregon (Mr. SMITH), the Senator from New Jersey (Mr. TORRICELLI), and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 1334, a bill to amend title 10, United States Code, to establish a demonstration project to evaluate the feasibility of using the Federal Employees Health Benefits program to ensure the availability of adequate health care for Medicare-eligible beneficiaries under the military health care system.

S. 1421

At the request of Mr. KENNEDY, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1421, a bill to amend the Public Health Service Act to provide additional support for and to expand clinical research programs, and for other purposes.

S. 1573

At the request of Mr. KENNEDY, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 1573, a bill to amend the Fair Labor Standards Act of 1938 to increase the Federal minimum wage.

S. 1644

At the request of Mr. REED, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1644, a bill to amend subpart 4 of part A of title IV of the Higher Education Act of 1965 regarding Grants to States for State Student Incentives.

S. 1677

At the request of Mr. CHAFEE, the name of the Senator from New York (Mr. D'AMATO) was added as a cosponsor of S. 1677, a bill to reauthorize the North American Wetlands Conservation Act and the Partnerships for Wildlife Act.

SENATE CONCURRENT RESOLUTION 30

At the request of Mr. HELMS, the name of the Senator from Indiana (Mr. COATS) was added as a cosponsor of Senate Concurrent Resolution 30, a concurrent resolution expressing the sense of the Congress that the Republic of China should be admitted to multilateral economic institutions, including the International Monetary Fund and the International Bank for Reconstruction and Development.

SENATE CONCURRENT RESOLUTION 65

At the request of Ms. SNOWE, the name of the Senator from Illinois (Ms. MOSELEY-BRAUN) was added as a cosponsor of Senate Concurrent Resolution 65, a concurrent resolution calling for a United States effort to end restriction on the freedoms and human rights of the enslaved people in the occupied area of Cyprus.

SENATE RESOLUTION 155

At the request of Mr. LOTT, the name of the Senator from North Carolina (Mr. FAIRCLOTH) was added as a cosponsor of Senate Resolution 155, a resolution designating April 6 of each year as "National Tartan Day" to recognize the outstanding achievements and contributions made by Scottish Americans to the United States.

SENATE RESOLUTION 176

At the request of Mr. DOMENICI, the names of the Senator from Oklahoma (Mr. NICKLES), the Senator from California (Mrs. FEINSTEIN), the Senator from Wisconsin (Mr. KOHL), the Senator from New York (Mr. D'AMATO), and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of Senate Resolution 176, a resolution proclaiming the week of October 18

through October 24, 1998, as "National Character Counts Week."

SENATE CONCURRENT RESOLUTION 78—RELATING TO THE INDICTMENT AND PROSECUTION OF SADDAM HUSSEIN FOR WAR CRIMES

Mr. SPECTER submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 78

Whereas the International Military Tribunal at Nuremberg was convened to try individuals for crimes against international law committed during World War II;

Whereas the Nuremberg tribunal provision which held that "crimes against international law are committed by men, not by abstract entities, and only by punishing individuals who commit such crimes can the provisions of international law be enforced" is as valid today as it was in 1946;

Whereas, on August 2, 1990, and without provocation, Iraq initiated a war of aggression against the sovereign state of Kuwait;

Whereas the Charter of the United Nations imposes on its members the obligations to "refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state";

Whereas the leaders of the Government of Iraq, a country which is a member of the United Nations, did violate this provision of the United Nations Charter;

Whereas the Geneva Convention Relative to the Protection of Civilian Persons in Times of War (the Fourth Geneva Convention) imposes certain obligations upon a belligerent State, occupying another country by force of arms, in order to protect the civilian population of the occupied territory from some of the ravages of the conflict;

Whereas both Iraq and Kuwait are parties to the Fourth Geneva Convention;

Whereas the public testimony of witnesses and victims has indicated that Iraqi officials violated Article 27 of the Fourth Geneva Convention by their inhumane treatment and acts of violence against the Kuwaiti civilian population;

Whereas the public testimony of witnesses and victims has indicated that Iraqi officials violated Articles 31 and 32 of the Fourth Geneva Convention by subjecting Kuwaiti civilians to physical coercion, suffering and extermination in order to obtain information;

Whereas, in violation of the Fourth Geneva Convention, from January 18, 1991, to February 25, 1991, Iraq did fire 39 missiles on Israel in 18 separate attacks with the intent of making it a party to war and with the intent of killing or injuring innocent civilians, killing 2 persons directly, killing 12 people indirectly (through heart attacks, improper use of gas masks, choking), and injuring more than 200 persons;

Whereas Article 146 of the Fourth Geneva Convention states that persons committing "grave breaches" are to be apprehended and subjected to trial;

Whereas, on several occasions, the United Nations Security Council has found Iraq's treatment of Kuwaiti civilians to be in violation of international law;

Whereas, in Resolution 665, adopted on August 25, 1990, the United Nations Security Council deplored "the loss of innocent life stemming from the Iraq invasion of Kuwait";

Whereas, in Resolution 670, adopted by the United Nations Security Council on September 25, 1990, it condemned further "the treatment by Iraqi forces on Kuwait nationals and reaffirmed that the Fourth Geneva Convention applied to Kuwait";

Whereas, in Resolution 674, the United Nations Security Council demanded that Iraq cease mistreating and oppressing Kuwaiti nationals in violation of the Convention and reminded Iraq that it would be liable for any damage or injury suffered by Kuwaiti nationals due to Iraq's invasion and illegal occupation;

Whereas Iraq is a party to the Prisoners of War Convention and there is evidence and testimony that during the Persian Gulf War, Iraq violated articles of the Convention by its physical and psychological abuse of military and civilian POW's including members of the international press;

Whereas Iraq has committed deliberate and calculated crimes of environmental terrorism, inflicting grave risk to the health and well-being of innocent civilians in the region by its willful ignition of 732 Kuwaiti oil wells in January and February, 1991;

Whereas President Clinton found "compelling evidence" that the Iraqi Intelligence Service directed and pursued an operation to assassinate former President George Bush in April 1993 when he visited Kuwait;

Whereas Saddam Hussein and other Iraqi officials have systematically attempted to destroy the Kurdish population in Iraq through the use of chemical weapons against civilian Kurds, campaigns in 1987-88 which resulted in the disappearance of more than 182,000 persons and the destruction of more than 4,000 villages, the placement of more than 10 million landmines in Iraqi Kurdistan, and ethnic cleansing in the city of Kirkuk;

Whereas the Republic of Iraq is a signatory to international agreements including the Universal Declaration on Human Rights, the International Covenant on Civil and Political Rights, the Convention on the Prevention and Punishment of the Crime of Genocide, and the POW Convention, and is obligated to comply with these international agreements;

Whereas section 8 of Resolution 687 of the United Nations Security Council, adopted on April 3, 1991, requires Iraq to "unconditionally accept the destruction, removal, or rendering harmless, under international supervision of all chemical and biological weapons and all stocks of agents and all related sub-systems and components and all research, development, support, and manufacturing facilities";

Whereas Saddam Hussein and the Republic of Iraq have persistently and flagrantly violated the terms of Resolution 687 with respect to elimination of weapons of mass destruction and inspections by international supervisors;

Whereas there is good reason to believe that Iraq continues to have stockpiles of chemical and biological munitions, missiles capable of transporting such agents, and the capacity to produce such weapons of mass destruction, putting the international community at risk;

Whereas, on February 22, 1993, the United Nations Security Council adopted Resolution 808 establishing an international tribunal to try individuals accused of violations of international law in the former Yugoslavia;

Whereas, on November 8, 1994, the United Nations Security Council adopted Resolution 955 establishing an international tribunal to try individuals accused of the commission of violations of international law in Rwanda;

Whereas more than 70 individuals have faced indictments handed down by the International Criminal Tribunal for the Former Yugoslavia in the Hague for war crimes and crimes against humanity in the former Yugoslavia, leading in the first trial to the sentencing of a Serb jailer to 20 years in prison;

Whereas the International Criminal Tribunal for Rwanda has indicted 31 individuals, with three trials occurring at present and 27 individuals in custody;

Whereas the United States has to date spent more than \$24 million for the International Criminal Tribunal for the Former Yugoslavia and more than \$20 million for the International Criminal Tribunal for Rwanda;

Whereas officials such as former President George Bush, Vice President Al Gore, General Norman Schwarzkopf and others have labeled Saddam Hussein a war criminal and called for his indictment;

Whereas a failure to try and punish leaders and other persons for crimes, against international law establishes a dangerous precedent and negatively impacts the value of deterrence to future illegal acts;

Resolved, by the Senate (the House of Representatives concurring),

That the President should—

(1) call for the creation of a commission under the auspices of the United Nations to establish an international record of the criminal culpability of Saddam Hussein and other Iraqi officials;

(2) call for the United Nations to form an international criminal tribunal for the purpose of indicting, prosecuting, and imprisoning Saddam Hussein and other Iraqi officials who are responsible for crimes against humanity, genocide, and other violations of international law; and

(3) upon the creation of such an international criminal tribunal, seek the reprogramming of necessary funds to support the efforts of the tribunal, including the gathering of evidence necessary to indict, prosecute and imprison Saddam Hussein and other Iraqi officials.

SENATE RESOLUTION 187—CONCERNING THE PEOPLE'S REPUBLIC OF CHINA

Mr. MACK (for himself, Mr. WELLSTONE, Mr. HELMS, Mr. THOMAS, Mr. FEINGOLD, Mr. ABRAHAM, Mrs. BOXER, Mr. MOYNIHAN, and Mr. ASHCROFT) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 187

Whereas the annual meeting of the United Nations Commission on Human Rights in Geneva, Switzerland, provides a forum for discussing human rights and expressing international support for improved human rights performance;

Whereas according to the United States Department of State and international human rights organizations, the Government of the People's Republic of China engages in widespread human rights violations; and

Whereas President Clinton pledged that the United States would step up its efforts in cooperation with other states to insist that the United Nations Commission on Human Rights pass a resolution dealing with the serious human rights abuses in the People's Republic of China: Now, therefore, be it

Resolved, That it is the sense of the Senate that the United States should introduce and

make all efforts necessary to pass a resolution criticizing the People's Republic of China for its human rights abuses in China and Tibet at the annual meeting of the United Nations Commission on Human Rights.

Mr. MACK. Mr. President, I rise today to submit a resolution calling for the United States to introduce and make all efforts necessary to pass a resolution at the annual meeting of the United Nations Commission on Human Rights criticizing the People's Republic of China (PRC) for its atrocious human rights record in China and Tibet. This commission will meet on March 16, so I am here today with a sense of urgency.

Mr. President, President Clinton reversed his position in 1993 and chose to de-link trade and human rights in 1993. This decision sacrificed important leverage in our relationship with the PRC to address America's human rights concerns. At the time of the President's decision, however, he promised the American people that he would strengthen his efforts to obtain an international condemnation of Beijing's violation of international human rights standards in China and Tibet. Specifically, he pledged that the United States would step up its efforts in cooperation with other states in insisting that the United Nations Commission on Human Rights pass a resolution dealing with the serious human rights abuses in the People's Republic of China.

Mr. President, this Human Rights Commission meets in Geneva on March 16, and to date, the President has not demonstrated his commitment to keep his pledge to the American people. It appears that no other nation on the Commission will initiate this resolution without U.S. support and leadership. It is time for the United States to provide that leadership—the leadership which the people of China depend upon. We must take action to introduce the China resolution at the Human Rights Commission and build international support for its passage.

The U.N. Human Rights Commission is the only international body which oversees the human rights conditions of all states. Even though the resolution may not pass, simply the debate of human rights in China and Tibet at the U.N. Commission makes a difference.

I was fortunate to have had the opportunity to meet Wei Jingsheng in February. Mr. Wei is a Chinese dissident who has spent most of his life in Chinese prisons for his pro-democratic political writings. He was recently exiled from his country, and is now living in the United States. Unfortunately, while he considers this exile cruel, some want to give the government in Beijing credit for releasing Mr. Wei; they call this an example of "progress."

Mr. President, Mr. Wei articulates clearly and convincingly our call to ac-

tion. His words are appropriate today, and every day we come to work here in the Senate of the United States. In an article by Patrick Tyler in the New York Times on November 22, 1997, Mr. Wei states, "Democracy and freedom are among the loftiest ideals of humanity, and they are the most sacred rights of mankind. Those who already enjoy democracy, liberty and human rights, in particular, should not allow their own personal happiness to numb them into forgetting the many others who are still struggling against tyranny, slavery and poverty, and all of those who are suffering from unimaginable forms of oppression, exploitation and massacres."

Mr. President, the United States must not take our freedom for granted. We must take action. We must not shy away from leadership in the world when our leadership is so badly needed. The United States must sponsor and lead the international effort to condemn the human rights situation in China and Tibet. I hope that my colleagues will join me in passing this resolution calling upon the President to keep his promise to the American people, and insist that the United Nations Commission on Human Rights pass a resolution dealing with the serious human rights abuses in the People's Republic of China.

Mr. WELLSTONE. Mr. President, my colleague, Senator CONNIE MACK from Florida, and I have submitted a resolution that deals with the upcoming U.N. Human Rights Commission meeting in March and the position that our country needs to take in relation to human rights, or lack of human rights in China. This resolution, my understanding is, will be marked up tomorrow in the Senate Foreign Relations Committee.

Senator MACK and I submitted a resolution urging the Clinton administration to make every effort to pass a resolution on China at the U.N. Commission on Human Rights gathering which meets this month in Geneva. For the past 30 years, this Commission has monitored the compliance of different countries with human rights standards. It has investigated violations in countries in all parts of the world, rich and poor, weak and powerful alike.

Almost 4 years ago, the Clinton administration announced its decision to renew most-favored-nation status for China and laid out a new human rights policy toward China. At the heart of this policy was the United States commitment, at least in words, to step up efforts to "insist that the U.N. Human Rights Commission pass a resolution dealing with serious human rights abuses in China." Since that time, the Clinton administration has made it clear that only significant, concrete improvements in the human rights conditions would justify a reconsideration of that commitment.

China has failed to improve their human rights record, and, in fact, as we turn a blind eye to abuses, the situation appears to be deteriorating. China continues to wage war against individual freedoms and human rights. Hundreds, and perhaps thousands, of dissidents and advocates of political reform were detained just this past year. They included human rights and pro-democracy activists and members of religious groups. Many have been sentenced to long prison terms where they have been beaten, tortured, and denied medical care.

Harry Wu, a man of extraordinary courage and character, has documented China's extensive prison-enforced labor system. According to Amnesty International, throughout China, mass summary executions continue to be carried out. At least 6,000 death sentences and 3,500 executions were officially recorded in 1996 alone. The real figures, colleagues, are believed to be much higher.

According to the New York Times last week, with the help of Harry Wu, the FBI conducted an uncover investigation, which confirmed claims that the Chinese are selling organs from executed prisoners for transplant.

Furthermore, repression has increased steadily. Scores of Roman Catholics and Protestants were arrested. Crackdowns continue in Tibet. Authorities ordered the closure of monasteries in Tibet and banned the Dalai Lama's image, and arrests of political dissidents continue. China continues to violently threaten the unique culture, religious, and linguistic identity of the Tibetan people. Taking a firm stand against human rights abuses in China, and around the world, is an expression of our solidarity with people who risk their personal safety to champion these principles.

As an aside, in what travels I have been able to do around the world—and I wish I could do more of it, Mr. President—I do not think that I have ever been more moved in my life than by the courage of people who live in countries with repressive governments, whether they be left or right, and who have the courage to stand alone, and the courage to speak up, even when it could mean they could end up serving long prison sentences, or their loved ones, their wives, husbands, and children, can be rounded up, tortured, raped or murdered. These citizens throughout the world continue to have the courage to speak up for basic freedom. Our country ought to be there supporting these courageous individuals.

One such person is Kalsang Lhamo, a Tibetan exile living in my home State of Minnesota. I recently met her. She told me how her parents were both detained and tortured by the Chinese PLA when she was a child. Their crime? What was the crime of her parents? As she was speaking to me, Mr.

President, there were tears in her eyes. She was crying. The crime of her parents in Tibet was the possession of photographs of their religious leader. After watching her parents starve to death in detention and her neighbors executed, she, too, was beaten nearly to the point of death by Chinese soldiers during a demonstration.

China's release of Wei Jingsheng and its invitations to the U.N. High Commission for Human Rights to visit are welcome steps. A Commission resolution can certainly acknowledge these developments.

Mr. President, our Government can lead the way. The resolution that we must pass at this Commission meeting on human rights can acknowledge this. But they are not in themselves enough to bring about real changes in the lives of the people in China and Tibet, and the human rights situation their remains urgent.

Also, while we are thankful that Wei Jingsheng is out of prison and safely in the United States, it would be a cruel irony if his release were used as a justification for giving up the fight for human rights in China and for our Government not taking a strong position at this U.N. Human Rights Commission meeting in Geneva. First, of course, Mr. Wei's release does not represent systematic change. Second, he was not released unconditionally from his unlawful imprisonment, and he can be re-arrested, if he ever returns to China. He can't go back to his country.

Mr. President, as an aside, though I think it is relevant, my father fled persecution, was born in Odessa, Ukraine, but he grew up in Siberian Russia, and then he fled the country when he was 17 years old, in 1914. Then, after the revolution, he thought he would go back. Then his parents told him not to and the Bolsheviks took over, or the Communists took over, and he never saw his family again.

My father and my mother both had advanced Parkinson's at the end of their lives, and so we used to spend a lot of time staying over at their apartment taking care of them. My father had lived in the United States, now, for 65 years. He had no accent at all. He spoke 10 languages fluently, as a matter of fact. He was an amazing man. And yet, when I would spend the night in his room with him, all of his dreaming was in Russian. Talk about the child being the father of the man or the child being the mother of the woman, all of his dreaming was in Russian. And the terrible thing was that it was shouting and it was screaming and it was anguish. I just had to believe that the reason for this, which many Americans can't experience, is how traumatic it must be when you can never go back to your homeland. How traumatic it must be when you can never go back to your country, never see your mother or father.

My father, at 17, was separated from his family. I am absolutely convinced that his mother and father and sister were murdered by Stalin. All correspondence ended during the Stalin years. Wei Jingsheng has been released, but he can never go back to China. He would be immediately arrested and imprisoned. That hardly represents a standard of human rights.

One of the reasons I speak on the floor of the Senate about human rights is to honor the memory of my father. He could never go back, never saw his family again. And at the end of his life, his dreams, I think, were full of anguish, all in Russian, because of that.

Finally, Mr. Wei has told me personally that he believes in the critical importance of our effort to push for a resolution at the session of the Commission this month. Let me repeat that for colleagues. It's a sort of sleepy Monday afternoon on the floor of the U.S. Senate. We will mark this resolution up tomorrow in committee. One way or another, I certainly am going to bring this out as an amendment and we are going to pass it with an overwhelming vote, giving direction to the President and direction to the administration to, at this human rights Commission in Geneva, be sure to pass a resolution which will strongly pressure China on human rights. For God's sake, if Wei Jingsheng—who spent, I don't know, 16 or 17 years in prison because he had the courage to speak up—can put to us this small request that we speak about this on the floor of the Senate, that we try to pass some resolution supporting human rights in his country, we ought to be able to do that. That's the least we ought to be able to do.

For years we have pressured the Chinese on human rights, though I don't think with nearly as much force and commitment as we should have. But to let up now, as the U.N. Commission meets, would be tantamount to defeat for the cause of human justice. Dissidents like Wei Jingsheng, who have been freed and have come to the United States, have thanked advocates for keeping them alive by keeping the pressure on and by focusing attention on their plight. As Senators and as Americans, it is our duty and in our interest to make the extra effort to promote democracy in China and, for that matter, in countries throughout the world, and to bring China in compliance with international standards of human rights.

So, I just want to say today that I am proud to introduce this resolution with my colleague, Senator CONNIE MACK from Florida. This will be marked up tomorrow. One way or another, I will get this to the floor of the Senate as an amendment. I want us to vote as a Senate. I want us to give direction to the administration. I want our Government at this U.N. Commission on Human Rights to talk about

human rights and to have a resolution which really puts the pressure on China for all of us. Whether we are Democrats or Republicans, we ought to at least, through resolutions and through amendments and through votes and through speaking—it is the very least we can do, to support these very courageous people. That is the purpose of this resolution.

Mr. President, I ask unanimous consent to add as cosponsors to the resolution that I have submitted with Senator MACK, Senator HELMS, Senator ASHCROFT, Senator THOMAS, Senator ABRAHAM, Senator BOXER and Senator FEINGOLD.

The PRESIDING OFFICER. Without objection, those Senators will be added as original cosponsors.

NOTICES OF HEARINGS

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Subcommittee on Public Health and Safety, Senate Committee on Labor and Human Resources will be held on Tuesday, March 3, 1998, 9:30 a.m., in SD-430 of the Senate Dirksen Building. The subject of the hearing is Global Health: United States Response to Infectious Diseases. For further information, please call the committee, 202/224-5375.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Labor and Human Resources, Subcommittee on Children and Families, will be held on Thursday, March 5, 1998, 10:00 a.m., in SD-430 of the Senate Dirksen Building. The subject of the hearing is After School Child Care. For further information, please call the committee, 202/224-5375.

AUTHORITY FOR COMMITTEE TO MEET

SUBCOMMITTEE ON NEAR EASTERN AND SOUTH ASIAN AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Near Eastern and South Asian Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Monday, March 2, 1998, at 2:45 p.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

BANKRUPTCY REFORM

• Mr. KYL. Mr. President, I want to speak for a few moments today on the

subject of bankruptcy reform. It is an issue that we will be dealing with shortly in the Judiciary Committee. The House of Representatives could vote on a reform bill as early as next month.

Mr. President, bankruptcy filings have been skyrocketing. We have seen a nearly 60 percent increase in personal filings around the country during the last two years, resulting in a discharge of about \$40 billion in debt. In Arizona alone, Chapter 7 filings have increased a staggering 81 percent during the same period.

The number of bankruptcy cases filed in my home state last year exceeded the previous record that was set back in 1990, when our real estate market was in serious trouble. What is particularly alarming about the number of filings today is that they are occurring in relatively good economic times.

Now let me say at the outset that there are obviously some people who legitimately need the relief that Chapter 7 was set up to provide. A serious illness or death in the family may have wreaked havoc on the family finances. Maybe there has been a fire or flood that has wiped out the family business or home. In cases like that, where there is extraordinary hardship, there ought to be an opportunity to seek relief and a fresh start. No one disputes that. And I suspect that most creditors are willing to work with someone when such tragedy strikes.

The problem is, too many people appear to be abusing the system of late. A recent study conducted in Phoenix found that a significant number of people who file for relief under Chapter 7 actually have the ability to pay back some, or even all, of what they owe. Let me say that again: they actually have the ability to repay some or all of their debts.

A study by Michael Staten of the Georgetown School of Business suggests that as many as 25 percent of Chapter 7 filers could pay at least 30 percent or more of their non-housing debt. But filing under Chapter 7 allows them to escape all of such debt, regardless of their ability to repay.

Now I know defenders of the status quo prefer to put the blame on creditors, suggesting that they extend credit far too easily, even to individuals who may have difficulty repaying their debt. But let us keep a few points in mind. First, the vast majority of people—an estimated 96 percent—pay their bills on time. So creditors must be doing something right. I am sure that if there were a way for creditors to weed out more of the riskiest accounts, they would do so.

Second, no one is forced to open a credit account, take a loan, or buy something on credit. In fact, millions of hard-working Americans make due without many of the things they would like to have because they cannot afford

them—even on credit. Many others delay a purchase until they are better situated to repay.

Third, and perhaps this is the most important point I would make: The people who need credit most are not the wealthiest Americans, but those with moderate or low incomes. If creditors tighten up credit too much, it will be the people closer to the margins—those who need it most—whose access to credit will be impeded.

In my view, the issue really boils down to this: personal responsibility. If someone freely accepts the terms of a credit account, he or she ought to abide by those terms when it comes time to meet the obligations and pay back what is owed. If extraordinary circumstances strike, debtors ought to work in good faith with their creditors to establish a reasonable repayment plan, assuming they have the means to do so.

The irresponsible thing is for people to take something on credit that they have no intention of paying for. And our laws should not sanction that sort of behavior.

Mr. President, let me turn for a moment to a few different cases that illustrate the point I am making here. These are cases that were profiled in recent news reports.

First, there was the case of a New York couple with three children. The husband was on disability. They could easily have qualified for a Chapter 7 discharge of their debt, but they did not want to walk away from their obligations. They chose to repay what they could under a Chapter 13 payment plan, and they are now paying \$375 of their \$2,125 monthly income to satisfy part of their debt.

An Arizona teacher ended up with \$45,000 worth of credit-card debt, but she was determined to find a way to avoid bankruptcy altogether. She put it this way: "When I signed my name, that was my promise." She found a consumer-credit counseling service to help her through tough times, and she is now on her way to paying back her debt and restoring her credit.

Compare the New York couple and the Arizona teacher to debtors who reportedly used credit to buy several thousand dollars worth of computer equipment, furniture, and an entertainment center. Shortly after buying the goods, they sold them, pocketed the proceeds, and without applying anything toward their bills, filed for Chapter 7 to erase their debts.

In another case, a couple allegedly ran up more than \$2,000 on a charge card at the very time they were involved in foreclosure proceedings on their home. They apparently knew they could not avoid the foreclosure or pay off the credit-card charges they were incurring. Yet they went ahead and ran up their charge cards with the expectation that they could escape the

obligation to repay their debt under Chapter 7.

Mr. President, in the first two instances, we had individuals who stepped up to the plate and tried to make good on their obligations. In the latter two cases, we have individuals who seem to be abusing the system, running up debt they had no intention of repaying. And the way the law works now, it is the abusers who benefit most. And that abuse costs those who responsibly pay their bills as much as \$400 per household a year.

What is fair about allowing people who have the ability to pay back some of their debt to walk away free and clear, while the vast majority of people pay their bills on time? What is fair about letting some people avoid their obligations for no good reason, while others who experience credit problems make some effort to repay? I want to emphasize that we need to find a way to deal with people who have the ability to repay their debt, not those who are in such dire straits that their lives are totally upended.

Probably the best thing we could do would be to establish a simple, up-front means test to direct bankruptcy filers to the chapter of the Bankruptcy Code that best meets their needs. I am talking about setting up an objective, administrative test to separate those who are in severe financial straits and truly need complete relief under Chapter 7 from those who are able to repay some or all of their debts.

Here is how this front-end approach would work. People who have annual incomes of less than 75 percent of the national median family income could choose between a Chapter 7 discharge and a Chapter 13 repayment plan, just as they could now. It would be their choice. In other words, there would be no change at all for people with modest incomes.

But for people who have higher incomes, a second test would be applied: could they repay all of their secured and priority debts and at least 20 percent of their unsecured debts over five years? If so, they would have to establish a repayment plan. If not, they could still get protection under Chapter 7. It is as simple and straightforward as that.

We should also create an incentive for people who have a pretty good idea that they are running into financial trouble to avoid running up additional debts they will not be able to repay. We could do that by making sure that debts run up on the eve of bankruptcy filings—within 90 days of the filing—are non-dischargeable.

A longer period of time for higher income debtors to pay off their debts is also worth considering, as is a stop to the so-called "cram downs" of goods to values below which any other American would have to pay.

Mr. President, if someone has the ability to repay, he or she should have

to do so. Bankruptcy protection ought to be reserved for those who truly need it. I intend to work in the Judiciary Committee with Senators HATCH and GRASSLEY to craft common sense bankruptcy-reform legislation that addresses these and other concerns. I hope my colleagues will join this effort to ensure that a reform bill can be enacted this year.●

RETIREMENT OF JOHN DAPONTE

● Mr. INOUE. Mr. President, on December 31, 1997, John DaPonte retired from U.S. Government service and returned to his home state of Rhode Island after having served at the Foreign-Trade Zones (FTZ) Board since 1968. The retirement of a federal official happens several times every day. However, it is important that John DaPonte's career in government be remembered because of the impact that he and the Foreign-Trade Zones Board have made on U.S. trade policy, U.S. companies in the global marketplace, and the economic development of a wide range of communities in the United States. There are few federal government officials who have made such a direct positive impact on the subject they manage.

The agency for which John DaPonte worked, the Foreign-Trade Zones Board, is one of the smallest federal agencies in Washington, DC with only nine employees. It is so small that it does not have a line item in the federal budget. In 1968, Zone projects existed in only 6 states and Puerto Rico and were very modest in size. Today, Foreign-Trade Zones Board activity is in all 50 states and Puerto Rico. During his tenure at the Board, the agency's Zone projects increased from 9 in 1968 to 560 in 1997, a yearly growth rate of 221%; domestic merchandise receipts grew from \$18 million in 1966 to \$125.6 billion. An average yearly rate of 24.933%; and employment increased from 1200 jobs in 1968 to 370,000 jobs an average yearly growth rate of 1.138%. There are few, if any, federal agencies with this growth record. John DaPonte deserves a thank you for managing an important U.S. trade program that grew rapidly over the last 30 years with very modest resources.

The Foreign-Trade Zone Program is an economic development tool for communities providing financial assistance to many troubled U.S. industries, as well as to foreign-based firms interested in establishing U.S. production operations, by helping them be competitive in the global marketplace. Foreign-Trade Zones place U.S. production facilities on an equal footing with foreign operations. The benefit of this investment is the creation of jobs in the U.S. Industry groups become involved in the Foreign-Trade Zone Program in order to solve trade problems. Major industries involved in the pro-

gram include shipbuilding, motor vehicles, oil refining, pharmaceuticals, and information technology.

The growth of the Foreign-Trade Zone Program required a very significant amount of effort by the staff of the Foreign-Trade Zones Board. The Foreign-Trade Zones Act, and laws pertaining thereto, were amended in the 1968 to 1997 period on thirteen (13) occasions. Mr. DaPonte implemented many new procedures at the Foreign-Trade Zones Board including minor boundary modifications and grant restrictions to assist in managing the very rapid growth of the program in a balanced manner and without major funding or personnel. In 1968, 2 applications for new projects were filed. In 1997, 85 applications were filed. Board Orders approving new Zone projects grew during the period from 3 Board Orders issued in 1968 to 78 Board Orders issued in 1997.

In order to operate effectively, the Foreign-Trade Zones Board works closely with a wide range of U.S. government agencies. Most important, is the Board's continuing involvement with state and local governmental organizations that implements most zone activity. At a time when we in Washington are trying to empower states and localities, we would do well to look at the positive program developed under John DaPonte's leadership. The Foreign-Trade Zones Program, from the beginning, has been one that actively engaged states, counties, cities, and port authorities on all levels to encourage local economic development activities.

It is clear that during John DaPonte's tenure at the Foreign-Trade Zones Board, the program experienced extraordinary growth. He managed this high level of growth effectively with extremely modest personnel and budget resources. No other Federal agency has created such a positive impact on our nation's balance of trade with such limited resources. John DaPonte's involvement in the federal government is a classic example of the federal government at its best. Today, we remember the positive contributions of John DaPonte to U.S. trade. This Congress thanks him for his efforts and wishes him well in his future endeavors.●

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Senate proceed to Executive session to consider the following nominations on the Executive Calendar: Nos. 508 through 524 and all nominations on the Secretary's desk in the Air Force, Army, Marine Corps and Navy.

I further ask unanimous consent that the nominations be considered and con-

firmed; that the motions to reconsider be laid upon the table; that the President be immediately notified of the Senate's action; and that the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Robert C. Hinson, xx...

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Gary A. Winterberger, xx...

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Russell C. Axtell, xx...

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Garry R. Trexler, xx...

The following Air National Guard of the United States officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Larry K. Arnold, xx...

Brig. Gen. James H. Bassham, xx...

Brig. Gen. George F. Scoggins, Jr., xx...

To be brigadier general

Col. James F. Barnette, xx...

Col. Ralph J. Clift, xx...

Col. Harold A. Cross, xx...

Col. Thomas G. Cutler, xx...

Col. Gilbert R. Dardis, xx...

Col. Thomas P. Maguire, Jr., xx...

Col. Barbara J. Nelson, xx...

Col. Avrum M. Rabin, xx...

Col. Gary L. Sayler, xx...

Col. Andrew J. Thompson, IV, xx...

Col. Harry A. Trosclair, xx...

Col. Stephen L. Vonderheide, xx...

The following Air National Guard of the United States officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Fred E. Ellis, xx...

Brig. Gen. Edward R. Jayne, II, xx...

Brig. Gen. Carl A. Lorenzen, xx...

Brig. Gen. Richard A. Platt, xx...

Brig. Gen. John H. Smith, xx...

Brig. Gen. Irene Trowell-Harris, xx...

To be brigadier general

Col. William E. Bonnell, xx...

Col. Edward H. Greene, II, xx...

Col. Robert H. Harkins, III, xx...

Col. James W. Higgins, xx...

Col. Robert F. Howarth, Jr., xx...

Col. Thomas C. Hruby, xx...

Col. Richard S. Kenney, xx...

Col. Phil P. Leventis, xx...

Col. Charles A. Morgan, III, xx...

Col. Jerry W. Ragsdale, xx...

Col. Lawrence D. Rusconi, xx...

Col. Richard H. Santoro, xx...
 Col. Wayne L. Schultz, xx...
 Col. Ralph S. Smith, Jr., xx...
 Col. Ronald C. Szarlan, xx...
 Col. James K. Wilson, xx...
 Col. Ruth A. Wong, xx...

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. William P. Tangney, xx...

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. John M. Keane, xx...

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. John M. McDuffie, xx...

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. William F. Kernan, xx...

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Joseph W. Godwin, xx...

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. James E. Caldwell III, xx...

Col. Robert C. Hughes, Jr., xx...

IN THE MARINE CORPS

The following named officer for appointment in the Reserve of the United States Marine Corps to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Arnold L. Punaro, xx...

The following named officers for appointment in the Reserve of the United States Marine Corps to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. John W. Bergman, xx...

Col. John J. McCarthy, Jr., xx...

The following named officers for appointment in the United States Marine Corps to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Martin R. Berndt, xx...

Brig. Gen. David F. Bice, xx...

Brig. Gen. Wallace C. Gregson, Jr., xx...

Brig. Gen. Michael W. Hagee, xx...

Brig. Gen. Michael A. Hough, xx...

Brig. Gen. Dennis T. Krupp, xx...

Brig. Gen. Robert Magnus, xx...

Brig. Gen. David M. Mize, xx...

Brig. Gen. Henry P. Osman, xx...

Brig. Gen. Garry L. Parks, xx...

Brig. Gen. Randall L. West, xx...

IN THE NAVY

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Jay A. Campbell, xx...

Rear Adm. (lh) Robert C. Chaplin, xx...

Rear Adm. (lh) James C. Dawson, Jr., xx...

Rear Adm. (lh) Malcolm I. Fages, xx...

Rear Adm. (lh) Scott A. Fry, xx...

Rear Adm. (lh) Gregory G. Johnson, xx...

Rear Adm. (lh) Albert H. Konetzni, Jr., xx...

Rear Adm. (lh) Joseph J. Krol, Jr., xx...

Rear Adm. (lh) Richard W. Mayo, xx...

Rear Adm. (lh) Michael G. Mullen, xx...

Rear Adm. (lh) Larry D. Newsome, xx...

Rear Adm. (lh) William W. Pickavance, Jr., xx...

Rear Adm. (lh) William L. Putnam, xx...

Rear Adm. (lh) Paul S. Semko, xx...

Rear Adm. (lh) Robert G. Sprigg, xx...

Rear Adm. (lh) Donald A. Weiss, xx...

Rear Adm. (lh) Richard D. West, xx...

Rear Adm. (lh) Harry W. Whiton, xx...

Rear Adm. (lh) Thomas R. Wilson, xx...

Rear Adm. (lh) George R. Yount, xx...

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. (lh) Kathleen L. Martin, xx...

IN THE AIR FORCE, ARMY, MARINE CORPS, NAVY

Air Force nominations beginning Naomi A. Behler, and ending Bryce C. Shutt, which nominations were received by the Senate and appeared in the Congressional Record of November 6, 1997

Air Force nominations beginning John G. Bitwinski, and ending Gary A. Howell, which nominations were received by the Senate and appeared in the Congressional Record of January 29, 1998

Air Force nominations beginning Kurt W. Andreason, and ending Rawson L. Wood, which nominations were received by the Senate and appeared in the Congressional Record of January 29, 1998

Air Force nominations beginning David W. Arnett II, and ending Bruce E. Vandervan, which nominations were received by the Senate and appeared in the Congressional Record of January 29, 1998

Air Force nominations beginning John R. Abel, and ending Helene R. Yosko, which nominations were received by the Senate and appeared in the Congressional Record of February 12, 1998

Army nominations beginning James P. Neely, and ending John C. Warnke, which nominations were received by the Senate and appeared in the Congressional Record of January 29, 1998

Army nominations beginning Roland G. Alger, and ending Johnnie L. Young, which nominations were received by the Senate and appeared in the Congressional Record of January 29, 1998

Army nominations beginning Stephen E. Castlen, and ending John I. Winn, which nominations were received by the Senate and appeared in the Congressional Record of January 29, 1998

Army nominations beginning John P. Barbee, and ending Paul L. Vicalvi, which nominations were received by the Senate and appeared in the Congressional Record of January 29, 1998

Army nominations beginning Steven G. Bolton, and ending Timothy J. Wright, which nominations were received by the Senate and appeared in the Congressional Record of January 29, 1998

Army nomination of Bruce F. Brown, which was received by the Senate and appeared in the Congressional Record of January 29, 1998

Army nominations beginning Donald E. Ballard, and ending Merrel W. Yocum, which nominations were received by the Senate and appeared in the Congressional Record of January 29, 1998

Army nomination of Morris C. McKee, Jr., which was received by the Senate and appeared in the Congressional Record of January 29, 1998

Army nominations beginning Edward S. Crosbie, and ending Martha A. Sanders, which nominations were received by the Senate and appeared in the Congressional Record of January 29, 1998

Army nominations beginning Gary A. Doll, and ending Gordon E. Wise, which nominations were received by the Senate and appeared in the Congressional Record of January 29, 1998

Army nominations beginning Benjamin J. Adamcik, and ending Joy L. Ziemann, which nominations were received by the Senate and appeared in the Congressional Record of January 29, 1998

Army nominations beginning Craig H. Anderson, and ending Bruce E. Zukauskas, which nominations were received by the Senate and appeared in the Congressional Record of January 29, 1998

Marine Corps nominations beginning Hugh J. Bettendorf, and ending William J. Cook, which nominations were received by the Senate and appeared in the Congressional Record of January 29, 1998

Marine Corps nominations beginning Charles G. Hughes II, and ending William S. Watkins, which nominations were received by the Senate and appeared in the Congressional Record of January 29, 1998

Marine Corps nomination of Kent J. Keith, which was received by the Senate and appeared in the Congressional Record of January 29, 1998

Navy nomination of Albert W. Schmidt, which was received by the Senate and appeared in the Congressional Record of January 29, 1998

Navy nomination of Jeffery W. Levi, which was received by the Senate and appeared in the Congressional Record of January 29, 1998

Navy nominations beginning David Avencio, and ending Daniel Way, which nominations were received by the Senate and appeared in the Congressional Record of January 29, 1998

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

ORDERS FOR TUESDAY, MARCH 3, 1998

Mr. MCCAIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m. on Tuesday, March 3; that immediately following the prayer, the routine requests through the morning hour be granted and the Senate immediately proceed to a period for the transaction of morning business until 11 a.m., with Senators permitted to speak for up to 10 minutes each, with the following exceptions: Senator COVERDELL, 20 minutes; Senator FEINGOLD, 15 minutes; Senator BINGAMAN, 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I also ask unanimous consent that at 11 a.m., the Senate resume consideration of S. 1173, the ISTEA legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. I further ask unanimous consent that the Senate recess from 12:30 p.m. until 2:15 p.m. for the weekly policy conferences to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MCCAIN. Mr. President, in conjunction with the earlier request, tomorrow morning the Senate will be in a period for morning business from 10 a.m. to 11 a.m. At 11 a.m., the Senate will resume consideration of S. 1173, the ISTEA legislation. Also, under the unanimous consent agreement, from 12:30 p.m. to 2:15 p.m., the Senate will recess for the weekly policy luncheons to meet. It is hoped that Members will be prepared to offer amendments to this legislation so substantial progress can be made this week. All Members will be notified when votes on amendments to S. 1173 are ordered.

ORDER FOR ADJOURNMENT

Mr. MCCAIN. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order following the remarks of Senator ROBB.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBB addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

READ ACROSS AMERICA DAY

Mr. ROBB. Mr. President, today marks what would have been the 94th birthday of the late Dr. Ted Geisel, better known to most of us as Dr. Seuss. Dr. Seuss has touched and continues to touch the lives of millions of people with books like "Horton Hears a Who," "One Fish, Two Fish, Red Fish, Blue Fish," "The Cat in the Hat," "Green Eggs and Ham." Dr. Seuss' work continues to make reading fun for children and their parents.

While the good doctor is no longer with us, he left an invaluable gift: works which foster in our children a joy and appreciation for books and the wonderful treasures contained in them.

To honor Dr. Seuss and his legacy, today has been declared "Read Across America Day," a day when millions of students and parents, educators, many of our colleagues and others across the country have been engaged in hundreds of events to renew our Nation's com-

mitment to literacy and to teach every child the importance and joy of reading.

Today, every child should be in the company of an adult who will read to him or her.

Last week, the Senate unanimously approved a resolution I submitted, along with Senator JEFFORDS, in recognition of this very special day, and I thank the Senator from Vermont for his comments this morning about this particular event, and several of our colleagues who participated actively in it.

In addition to my 92 colleagues on both sides of the aisle who cosponsored this resolution, I commend the efforts of groups like the American Library Association, the National Family Literacy Council, the National Association of Elementary School Principals, Reading is Fundamental, the International Reading Association, the Boys and Girls Clubs of America, the I Have a Dream Foundation and the National Education Association that have organized events across the country in support of this very special day.

In communities and schools in my home State of Virginia, there are at least 40 events that I know of to promote literacy and reading. Tonight in Culpeper County, dozens of families will attend an event called "Culpeper Reads," where parents and children will attend a community dinner dressed as their favorite storybook characters.

Parents will have the chance to sign their children up for library cards, and community members will read with families and explain how reading is used in their occupations.

In Hampton, VA, Cooper Elementary has planned an all-day event where individuals will read Dr. Seuss' books to children. And just across the river in Alexandria, Mt. Vernon Elementary School hosted hundreds of high school students and community volunteers as they read with elementary students there.

This morning, I visited Mt. Vernon Elementary School, where I read some of my daughters' favorite books to a class of first graders and to a class of fourth graders.

After that, I also had the pleasure of reading to about 50 third graders at Patrick Henry Elementary School in Arlington.

This morning, Mr. President, I was reminded of how much fun it is to see children's faces light up when you read to them. I was delighted to see so many individuals at each school committed to promoting literacy among our children.

It is my hope that today's activities will motivate individuals to read across America, not just today but every day.

Mr. President, the best way we can help a child learn to read and want to read is by reading to them and with

them as often as possible. Time and again, research has shown that children who read aloud in the early years with their parents perform better in school.

Experts say that the single most important activity for building the knowledge required for eventual success in reading is reading aloud to children. Likewise, the effects of illiteracy can be devastating. We know now that 85 percent of high school dropouts and 85 percent of those in juvenile courts are functionally illiterate. Just as alarming is the fact that 51 percent of American high school graduates are functionally illiterate as well.

In a country with resources as plentiful as ours, the fact that our literacy rates are so low is not only shocking; it is shameful.

Mr. President, the earlier in life we can interest children in books, the sooner we can get children into the habit of reading. When children have access to books, when their parents are involved, and when their communities are invested in education, children turn to books for information and enjoyment.

Reading means empowerment. Helping our children understand the value and the pleasure of reading is one of the greatest gifts we can ever give them. Whether it is to obtain knowledge or to understand history, to experience adventure or gather inspiration, we need our children to love reading. But eager and competent readers are made, not born. By taking just a half hour every day to read with our children, we can foster a genuine interest in reading that will stay with our children throughout their lives.

In celebrating Dr. Seuss' birthday today, Read Across America Day will generate new enthusiasm for reading nationwide. I urge every American today to spark and rekindle our children's and our communities' and our own interest in reading.

With that, Mr. President, I yield the floor and ask the Senate to proceed under the order already agreed to.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate will now stand adjourned until 10 a.m., Tuesday, March 3, 1998.

Thereupon, the Senate, at 6:17 p.m., adjourned until Tuesday, March 3, 1998, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 2, 1998:

THE JUDICIARY

RICHARD L. YOUNG, OF INDIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF INDIANA.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. ROBERT C. HINSON, [X]

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. GARY A. WINTERBERGER, [X]

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. RUSSELL C. AXTELL, [X]

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. GARRY R. TREXLER, [X]

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. LARRY K. ARNOLD, [X]

BRIG. GEN. JAMES H. BASSHAM, [X]

BRIG. GEN. GEORGE F. SCOGGINS, JR., [X]

To be brigadier general

COL. JAMES F. BARNETTE, [X]

COL. RALPH J. CLIFFT, [X]

COL. HAROLD A. CROSS, [X]

COL. THOMAS G. CUTLER, [X]

COL. GILBERT R. DARDIS, [X]

COL. THOMAS P. MAGUIRE, JR., [X]

COL. BARBARA J. NELSON, [X]

COL. AVURUM M. RABIN, [X]

COL. GARY L. SAYLER, [X]

COL. ANDREW J. THOMPSON IV, [X]

COL. HARRY A. TROSCLAIR, [X]

COL. STEPHEN L. VONDERHEIDE, [X]

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. FRED E. ELLIS, [X]

BRIG. GEN. EDWARD R. JAYNE II, [X]

BRIG. GEN. CARL A. LORENZEN, [X]

BRIG. GEN. RICHARD A. PLATT, [X]

BRIG. GEN. JOHN H. SMITH, [X]

BRIG. GEN. IRENE TROWELL-HARRIS, [X]

To be brigadier general

COL. WILLIAM E. BONNELL, [X]

COL. EDWARD H. GREENE II, [X]

COL. ROBERT H. HARKINS III, [X]

COL. JAMES W. HIGGINS, [X]

COL. ROBERT F. HOWARTH JR., [X]

COL. THOMAS C. HURBY, [X]

COL. RICHARD S. KENNEY, [X]

COL. PHIL P. LEVENTIS, [X]

COL. CHARLES A. MORGAN III, [X]

COL. JERRY W. RAGSDALE, [X]

COL. LAWRENCE D. RUSCONI, [X]

COL. RICHARD H. SANTORO, [X]

COL. WAYNE L. SCHULTZ, [X]

COL. RALPH S. SMITH, JR., [X]

COL. RONALD C. SZARLAN, [X]

COL. JAMES K. WILSON, 1397, [X]

COL. RUTH A. WONG, [X]

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. WILLIAM P. TANGNEY, [X]

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. JOHN M. KEANE, [X]

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED

WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN M. MCDUFFIE, [X]

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. WILLIAM F. KERNAN, [X]

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. JOSEPH W. GODWIN, [X]

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. JAMES E. CALDWELL III, [X]

COL. ROBERT C. HUGHES, JR., [X]

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. ARNOLD L. PUNARO, [X]

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. JOHN W. BEEGMAN, [X]

COL. JOHN J. MCCARTHY, JR., [X]

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. MARTIN R. BERNDT, [X]

BRIG. GEN. DAVID F. BICE, [X]

BRIG. GEN. WALLACE C. GREGSON JR., [X]

BRIG. GEN. MICHAEL W. HAGEE, [X]

BRIG. GEN. MICHAEL A. HOUGH, [X]

BRIG. GEN. DENNIS T. KRUPP, [X]

BRIG. GEN. ROBERT MAGNUS, [X]

BRIG. GEN. DAVID M. MIZE, [X]

BRIG. GEN. HENRY P. OSMAN, [X]

BRIG. GEN. GARRY L. PARKS, [X]

BRIG. GEN. RANDALL L. WEST, [X]

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (IH) JAY A. CAMPBELL, [X]

REAR ADM. (IH) ROBERT C. CHAPLIN, [X]

REAR ADM. (LH) JAMES C. DAWSON, JR., [X]

REAR ADM. (LH) MALCOLM I. PAGES, [X]

REAR ADM. (LH) SCOTT A. FRY, [X]

REAR ADM. (LH) GREGORY G. JOHNSON, [X]

REAR ADM. (LH) ALBERT H. KONETZNI, JR., [X]

REAR ADM. (LH) JOSEPH J. KROL, JR., [X]

REAR ADM. (LH) RICHARD W. MAYO, [X]

REAR ADM. (LH) MICHAEL G. MULLEN, [X]

REAR ADM. (LH) LARRY D. NEWSOME, [X]

REAR ADM. (LH) WILLIAM W. PICKAVANCE, JR., [X]

REAR ADM. (LH) WILLIAM L. PUTNAM, [X]

REAR ADM. (LH) PAUL S. SEMKO, [X]

REAR ADM. (LH) ROBERT G. SPRIGG, [X]

REAR ADM. (LH) DONALD A. WEISS, [X]

REAR ADM. (LH) RICHARD D. WEST, [X]

REAR ADM. (LH) HARRY W. WHITON, [X]

REAR ADM. (LH) THOMAS R. WILSON, [X]

REAR ADM. (LH) GEORGE R. YOUNT, [X]

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. KATHLEEN L. MARTIN, [X]

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING NAOMI A. BEHLER, AND ENDING BRYCE C. SHUTT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 6, 1997.

AIR FORCE NOMINATIONS BEGINNING JOHN G. BITWINSKI, AND ENDING GARY A. HOWELL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 29, 1998.

AIR FORCE NOMINATIONS BEGINNING KURT W. ANDREASON, AND ENDING RAWSON L. WOOD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 29, 1998.

AIR FORCE NOMINATIONS BEGINNING DAVID W. ARNETT II, AND ENDING BRUCE E. VANDERVEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 29, 1998.

AIR FORCE NOMINATIONS BEGINNING JOHN R. ABEL, AND ENDING HELENE R. YOSKO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 12, 1998.

IN THE ARMY

ARMY NOMINATIONS BEGINNING JAMES P. NEELY, AND ENDING JOHN C. WARNKE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 29, 1998.

ARMY NOMINATIONS BEGINNING ROLAND G. ALGER, AND ENDING JOHNNIE L. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 29, 1998.

ARMY NOMINATIONS BEGINNING STEPHEN E. CASTLEN, AND ENDING JOHN I. WINN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 29, 1998.

ARMY NOMINATIONS BEGINNING JOHN P. BARBEE, AND ENDING PAUL L. VICALVI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 29, 1998.

ARMY NOMINATIONS BEGINNING STEVEN G. BOLTON, AND ENDING TIMOTHY J. WRIGHT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 29, 1998.

ARMY NOMINATION OF BRUCE F. BROWN, WHICH WAS RECEIVED IN THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 29, 1998.

ARMY NOMINATIONS BEGINNING DONALD E. BALLARD, AND ENDING MERREL W. YOCUM, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 29, 1998.

ARMY NOMINATION OF MORRIS C. MCKEE, JR., WHICH WAS RECEIVED IN THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 29, 1998.

ARMY NOMINATIONS BEGINNING EDWARD S. CROSBIE, AND ENDING MARTHA A. SANDERS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 29, 1998.

ARMY NOMINATIONS BEGINNING GARY A. DOLL, AND ENDING GORDON E. WISE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 29, 1998.

ARMY NOMINATIONS BEGINNING BENJAMIN J. ADAMCIC, AND ENDING JOY L. ZIEMANN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 29, 1998.

ARMY NOMINATIONS BEGINNING CRAIG H. ANDERSON, AND ENDING BRUCE E. ZUKAUSKAS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 11, 1998.

IN THE MARINE CORPS

MARINE CORPS NOMINATIONS BEGINNING HUGH J. BETTENDORF, AND ENDING WILLIAM J. COOK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 29, 1998.

MARINE CORPS NOMINATIONS BEGINNING CHARLES G. HUGHES II, AND ENDING WILLIAM S. WATKINS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 29, 1998.

MARINE CORPS NOMINATION OF KENT J. KEITH, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 29, 1998.

IN THE NAVY

NAVY NOMINATION OF ALBERT W. SCHMIDT, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 29, 1998.

NAVY NOMINATION OF JEFFERY W. LEVI, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 29, 1998.

NAVY NOMINATIONS BEGINNING DAVID AVENCIO, AND ENDING DANIEL WAY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 29, 1998.